

# TRUSTEES HANDBOOK

PEABODY INSTITUTE  
LIBRARY

1983

Including  
By Laws approved 6/27/85

BY LAWS

Approved 6/27/85

## PEABODY INSTITUTE BOARD OF TRUSTEES

Adopted June 27, 1985

### ARTICLE I - Name

The name of this organization shall be the PEABODY INSTITUTE LIBRARY.

### ARTICLE II - Objectives

The objective of the organization shall be to operate as an agency of the City of Peabody having the custody and management of the public library system of the City of Peabody in accordance with Chapter 197 of the Massachusetts Acts and Resolves of 1976.

### ARTICLE III - Board of Library Trustees

#### Section 1: Election

The twelve trustees of the Peabody Institute Library are elected in accordance with Section 43 of Chapter 300 of the Acts of 1916 and elected pursuant to Chapter 338 of the Acts of 1936 as modified by Chapter 97 of the Acts of 1941 and Chapter 190 of the Acts of 1947.

#### Section: 2 Duties

The Trustees shall transact the regular business of the Peabody Institute Library, and shall have the general management and direction of all the funds and property of the Peabody Institute Library. They shall employ and at their pleasure remove all such persons and agents as they deem necessary and proper to conduct the business of the Peabody Institute Library, and shall determine the duties and compensation of such persons all in accordance with the General Laws and the Charter and Ordinances of the City of Peabody.

#### Section 3: Committees

The Trustees may create special committees with such power and duties as they may determine in addition to the standing committees pursuant to Article IV of these By-Laws.

#### Section 4: Meetings

The Trustees shall meet for their Annual Meeting on the first Monday of January and for regular meetings on the first Monday of each month at such time and place as the President may determine. A meeting falling on a holiday shall be held on the following Monday. Special meetings shall be held by order of the President or by written request of two or more Trustees.

A written notice of the agenda, the time and the place of

all meetings shall be postmarked by the Secretary two days prior to such meeting and mailed to each Trustee in addition to the notice required by the General Laws Chapter 39, Section 23A regarding meetings of government bodies.

A quorum shall consist of seven Trustees, and in the event of vacancies on the Board of Trustees; a quorum shall consist of a majority of the remaining members.

The President shall preside at all meetings which shall be conducted in accordance with General Laws Chapter 39, Section 23A and Robert's Rules of Order. In the absence of the President, the Secretary shall preside at meetings.

#### ARTICLE IV - Committees

There shall be the following committees which shall accomplish their designated objectives and make written reports of progress to the Trustees at each regular meeting. The President shall appoint the committees for a term of one year and designate the Chairperson of each. The committees shall operate to develop and implement the policies as determined by the Board of Trustees and recommend to the Board courses of action for the accomplishment of its objectives. The committees shall have no power to bind the Peabody Institute Library with respect to any action without the specific authorization from the Trustees.

##### Section 1: Finance Committee

The Finance Committee, of which the Treasurer shall be Chairperson ex officio, shall consist of at least three Trustees. The objective of the Finance Committee shall be to review in detail the financial condition of the funds and property of the Peabody Institute Library and with the assistance of the Library Director, develop, submit and support the annual budget to the Mayor and City Council. The Finance Committee shall be responsible for the management and investment of the endowment, trust funds and other invested assets of the Peabody Institute Library and shall ensure that the principal and income are utilized in accordance with the trust instruments under which such funds and property are held. The Finance Committee shall make a written quarterly report as to the status of all funds and property, and recommend an investment policy.

##### Section 2: Buildings and Grounds Committee

The Buildings and Grounds Committee shall consist of at least three Trustees. The objective of the Buildings and

Grounds Committee shall be to have the general responsibility for the Main Library and Branch Library facilities and grounds which shall include, but not be limited to, any additions, repairs, improvements, landscaping, painting, alterations and maintenance. The Committee shall also be responsible for overseeing the care of the Peabody family burial plot in Harmony Grove Cemetery.

### Section 3: Future Planning Committee

The Future Planning Committee shall consist of at least three Trustees. The objective of the Future Planning Committee shall be, with the assistance of the Library Director, to formulate the full range of services which the Peabody Institute Library will offer to the community utilizing modern concepts of library science. The Future Planning Committee shall give careful consideration to the unmet needs of the community and shall prioritize and submit to the Trustees a one-year and five-year plan by the December meeting of each year.

### Section 4: Fundraising Committee

The Fundraising Committee shall consist of at least three Trustees. The objective of the Fundraising Committee shall be to establish a community awareness of the Peabody Institute Library, its resources, its activities, and its needs; and solicit funds from the community to be applied by the Trustees for Library purposes in accordance with its one and five year plans.

### Section 5: Personnel Committee

The Personnel Committee shall consist of at least three Trustees. The object of the Personnel Committee shall be to remain available to any employee of the Peabody Institute Library who has first presented a problem with respect to duties of employment to the Library Director, but has not had the problem rectified. The Personnel Committee shall then include a report of such problem(s) in its annual assessment of the Library Director. The Personnel Committee shall investigate and attend all grievance procedures and union negotiations.

The Personnel Committee shall fully evaluate and assess the performance of the Library Director following the submission by the Library Director of the Annual Report and make a written report of its assessment of the Library Director to the Board at the September meeting.

### Section 6: Executive Committee

There shall be an Executive Committee which shall consist of the President and the Chairpersons of the Committees on Finance, Personnel and Buildings and Grounds. The Committee shall meet in times of emergency and shall have the power to act on behalf of the Board of Trustees. Actions of the Executive Committee shall be ratified at the next meeting of the Board of Trustees.

#### ARTICLE V - Officers

There shall be the following Officers of the Board of Trustees of the Peabody Institute Library who shall be elected by the Trustees in the first order of business at the Annual Meeting and shall serve for a term of one year or until their successors are elected.

##### Section 1: President

The President shall preside at all meetings of the Board of Trustees. The President shall appoint all committees at the commencement of the term of office and shall be an ex-officio member of all committees. The President may during the term of office remove a member appointed to a committee for cause approved by the Board of Trustees. The President shall perform all duties incident to the office of President sustaining an executive and advisory relation to the work and policies of the Peabody Institute Library.

##### Section 2: Treasurer

The Treasurer shall serve as Chairperson ex officio of the Finance Committee and shall oversee the Library Trust funds and investments.

##### Section 3: Secretary

The Secretary shall verify complete and accurate records of all business, accounts, documents or contracts of any nature which affect the Peabody Institute Library and shall ensure that minutes of all meetings of the Board of Trustees are signed by the Secretary and kept in books provided for that purpose. All said records and books shall be kept in the custody of the Library Director and shall be available for inspection by any Trustee or any member of the public. The Secretary shall perform all duties incident to the office of Secretary.

#### ARTICLE VI - Library Director and Assistant Library Director

The Board of Trustees shall select and employ a Library Director who shall be qualified through education and experience. The Library Director shall be granted the necessary authority for and be held responsible for the administration of the Peabody Institute Library and all activities and departments subject only to such policies as may be adopted and such orders as may be issued by the Board of Library Trustees; the General Laws of the Commonwealth of Massachusetts; and the Charter and Ordinances of the City of Peabody.

The Board of Trustees shall select and employ an Assistant Library Director who shall assist the Library Director in the discharge of all duties and, in the absence of the Library Director, shall discharge all of the duties of the Library Director.

#### Section 1: Duties Relative to Library Service

The Library Director shall ensure the quality of library service offered to the community utilizing the best and most efficient library science technology available.

The Library Director shall be charged with the management of the collection and shall determine the accession and de-accession of all library materials.

The Library Director shall prepare a plan of organization of all personnel necessary for the operation of the Peabody Institute Library and shall develop and maintain personnel policies and practices in accordance with the City of Peabody, and the Board of Trustees and shall select, employ, control, and discharge all employees.

The Library Director shall be the liaison official in all matters, but shall have no authority to bind the Peabody Institute Library without the express authority of the Board of Trustees.

The Board of Trustees shall evaluate and assess the performance of the Library Director at the September meeting. The Library Director shall implement the policies made by the Board of Trustees in the annual assessment and incorporate them into the one and five year plans for submission to the Board of Trustees by the Future Planning Committee at the December meeting.

#### Section 2: Duties Relative to the Board of Trustees

The Library Director shall prepare and submit to the Board of Trustees an Annual Report at the July meeting which shall be

affixed to the minutes of that meeting. The report shall evaluate the performance of library service currently offered relative to the interests and demands of the community and recommend the adoption of certain policies to improve the quality of library service.

The Library Director shall implement the policies established by the Board pursuant to the Annual Assessment of the Library Director at the September meeting. The Annual Report and Annual Assessment shall be incorporated into the one and five year plans for submission by the Future Planning Committee to the Board of Trustees for approval at the December meeting.

The Library Director shall be apprised of all legislation, regulations or ordinances which affect the Peabody Institute Library and shall report to the Board of Trustees accordingly.

The Library Director shall immediately after each meeting of the Board of Trustees prepare minutes of said meeting for signature by the Secretary and shall mail a true copy of said signed minutes to each Trustee for approval at the next meeting. The Library Director shall be custodian of all records and books of the Board of Trustees and shall maintain them in an organized and accessible manner.

The Library Director shall attend all meetings of the Board of Trustees and its committees and shall render a Director's Report at each regular meeting.

The Library Director shall provide for a program of orientation of new Trustees to the Peabody Institute Library and to make available to all Trustees a program of continuing education.

The Library Director shall give written notice of all meetings of the Board of Trustees and its committees and shall prepare an agenda for the Annual Meeting, all regular meetings and any special meetings in accordance with Section 3.

### Section 3: Agenda

A written agenda of matters to be considered at each meeting of the Board of Trustees shall be compiled by the Library Director and approved by the President and shall be mailed to each Trustee along with the notice of the meeting.

The Library Director shall include with the agenda such historical and other information in respect to each agenda item requiring a Board vote as may be reasonably necessary for the Trustees to understand the ramifications of such agenda items.



Such information shall include the views of the Library Director and his/her staff as well as those of other members of the library community and shall be succinctly stated.

The agenda shall include the following matters:

- (1) Approval of minutes of the previous meeting;
- (2) receipt of communications;
- (3) reports of committees in writing which succinctly state the nature of the investigation and discussion by the committee and its recommendation;
- (4) report of the Library Director;
- (5) unfinished business;
- (6) new business;
- (7) resolutions;
- (8) any matter suggested by a Trustee to the Library Director prior to the issuance of the notice and agenda;
- (9) and any matter suggested by any person, in writing, to the Library Director prior to the issuance of the notice and agenda of the meeting containing a title and description of the agenda item.

#### ARTICLE VII - Amendment

These By-Laws may be amended or repealed by the Board of Trustees provided that written notice of the proposed change be given to each Trustee 30 days prior to the date of adoption of the proposed change. The adoption of any By-Law change proposal requires the affirmative vote of two-thirds of the Trustees present and voting.

L A W S   &   R E G U L A T I O N S

L I B R A R Y   P O L I C Y

POLICY ON THE USE OF LIBRARY MEETING ROOMS  
AND EXHIBIT SPACE

The **Peabody Institute Library** welcomes the use of its meeting rooms and exhibit space by non-profit organizations in line with its mission to meet the educational, recreational and informational needs of the community.

In accordance with basic principles of a democratic society and the philosophy expressed in the **Library Bill of Rights**; the **Library** shall not discriminate in the use of its meeting rooms or exhibit space, based on the content of the program or exhibit, and shall make facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use. The **Library** shall provide equal opportunity for use of its facilities by groups with opposing viewpoints.

The **Library** shall impose a fee for custodial salaries if facilities are used when the **Library** is not open. Proof of non-profit status may be required.

The **Library** may not be used for the promotion of a political candidate, a political party, for a religious purpose or the promotion of a religious point of view. Meetings must be open to the general public and not solely for the purpose of conducting an organizations internal business.

Groups which use **Library** facilities are responsible for damage or misuse of **Library** property; shall comply with regulations governing the use of **Library** meeting and exhibit space and may be denied future use of **Library** facilities if they fail to abide by regulations. A member of the organization using the facilities shall be present to provide proper supervision.

(voted & adopted 7/14/83)

# Library Bill of Rights

The Council of the American Library Association reaffirms its belief in the following basic policies which should govern the services of all libraries.

1. As a responsibility of library service, books and other library materials selected should be chosen for values of interest, information and enlightenment of all the people of the community. In no case should library materials be excluded because of the race or nationality or the social, political, or religious views of the authors.

2. Libraries should provide books and other materials presenting all points of view concerning the problems and issues of our times; no library materials should be proscribed or removed from libraries because of partisan or doctrinal disapproval.

3. Censorship should be challenged by libraries in the maintenance of their responsibility to provide public information and enlightenment.

4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

5. The rights of an individual to the use of a library should not be denied or abridged because of his age, race, religion, national origins or social or political views.

6. As an institution of education for democratic living, the library should welcome the use of its meeting rooms for socially useful and cultural activities and discussion of current public questions. Such meeting places should be available on equal terms to all groups in the community regardless of the beliefs and affiliations of their members, provided that the meetings be open to the public.

Adopted June 18, 1948.

Amended February 2, 1961, and June 27, 1967, by the ALA Council.

## MATERIALS SELECTION POLICY

It is a long established principle that, in a democracy, there must be a free interchange of ideas and information. This principle is recognized in both the Massachusetts and United States Constitutions. The public library is an agent of the public and any action which overtly or covertly labels, restricts or removes materials from public access because of partisan or doctrinal disapproval is alien to the democratic system and to the library's role as a source of information and education representing all views.

The following selection guidelines for print and non-print materials have been established to reaffirm these principles:

1. Material selection is the responsibility of the professional library staff.
2. Materials will be selected on the basis of reviews in accepted review media and on the professional judgment of the library staff. Selection will be guided by the following goals:
  - a) to provide as wide a range of views on various issues as possible, and
  - b) to provide a well developed collection in all areas of human knowledge.
3. No material shall be removed, labelled or restricted because of partisan or doctrinal disapproval of content. The library rejects attempts by one or more citizens to determine what is suitable for the general public. No challenged library material shall be removed from the library under any legal or extra-legal pressure, save after an independent determination by a judicial officer in a court of competent jurisdiction and only after an adversary hearing, in accordance with well established principles of law.
4. It is the responsibility of each individual to determine for himself what he considers appropriate material for himself. Parents or guardians should assume that responsibility for their children.
5. The rights of an individual to the use of the library should not be denied or abridged because of his age, race, religion, national origins or social or political views.

APPROVED BY THE BOARD OF TRUSTEES, October 1, 1973.

**MASSACHUSETTS LIBRARY ASSOCIATION**

Midwinter Conference

February 28, 1974

Court Decisions on Pornography - Differing Views

**FREEDOM TO READ STATEMENT**

A Joint Statement by:

American Library Association

Association of American Publishers

1. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those which are unorthodox or unpopular with the majority.

2. Publishers, librarians, and booksellers do not need to endorse every idea or presentation contained in the books they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what books should be published or circulated.

3. It is contrary to the public interest for publishers or librarians to determine the acceptability of a book on the basis of the personal history or political affiliations of the author.

4. There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.

5. It is not in the public interest to force a reader to accept with any book the prejudgment of a label characterizing the book or author as subversive or dangerous.

6. It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large.

7. It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, bookmen can demonstrate that the answer to a bad book is a good one, the answer to a bad idea is a good one.

## LIBRARY BILL OF RIGHTS

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted January 23, 1980 by the ALA Council

## EXHIBIT SPACES AND MEETING ROOMS

### An Interpretation of the LIBRARY BILL OF RIGHTS

As part of their program of service, many libraries provide meeting rooms and exhibit spaces for individuals and groups. Article VI of the LIBRARY BILL OF RIGHTS states that such facilities should be made available to the public served by the given library "on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."

In formulating this position, the American Library Association sought to accommodate the broad range of practices among public, academic, school and other libraries, while upholding a standard of fairness. Libraries maintaining exhibit and meeting room facilities for outside groups and individuals should develop and publish policy statements governing their use. These statements can properly define and restrict eligibility for use as long as the qualifications do not pertain to the content of a meeting or exhibit or to the beliefs or affiliations of the sponsors.

It is appropriate for a library to limit access to meeting rooms or exhibit space to members of the specific community served by the library or to groups of a specific category. It is not proper to apply such limitations in ways which favor points of view or organizations advocating certain viewpoints. For example, some libraries permit religious groups to use meeting facilities, while others do not. According to Article VI, both policies are acceptable as long as all religious groups are treated in the same way, irrespective of their doctrines.

Exhibits and meetings sponsored by the library itself should be organized in a manner consistent with the LIBRARY BILL OF RIGHTS, especially Article II which states that "libraries should provide materials and information presenting all points of view." However, in granting meeting or exhibit space to outside individuals and groups, the library should make no effort to censor or amend the content of the exhibit or meeting. Those who object to or disagree with the content of any exhibit or meeting held at the library should be entitled to submit their own exhibit or meeting proposals which should be judged according to the policies established by the library.

The library may properly limit the use of its meeting rooms to meetings which are open to the public, or it may make space available for both public and private sessions. Again, however, the same standard should be applicable to all.

Adopted February 4, 1981 by the ALA Council



FREE PUBLIC LIBRARIES - SELECTION OF  
MATERIALS AND EMPLOYMENT  
CONTRACTS

Chap. 322. FURTHER REGULATING CERTAIN FREE PUBLIC LIBRARIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate certain free public libraries, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 78 of the General Laws is hereby amended by adding the following two sections:-

Section 33. The board of trustees of a free public library in any city or town, or in the absence of such board, the city or town official possessing the appointive powers of such board, shall establish a written policy for the selection of library materials and the use of materials and facilities in accordance with standards adopted by the American Library Association. No employee shall be dismissed for the selection of library materials when the selection is made in good faith and in accordance with the approved policy adopted pursuant to the provisions of this section.

Section 34. The board of trustees of a free public library in any city or town, or in the absence of such board, the city or town official possessing the appointive powers of such board shall, except in the case of those employees subject to the provisions of chapter one hundred and fifty E, execute a written employment contract with an employee of said library outlining the basic conditions of employment, including but not limited to the establishment of a probationary period and the procedure for dismissal during this period and the establishment of a procedure which specifies the cause for dismissal after the completion of such probationary period.

Approved July 14, 1982

### Proceedure for Review of Library Materials

Anyone objecting to any library materials print or non-print may fill out a form requesting review of the item or items in question. After receipt of a written request for review of certain library materials, the library director will meet with the individual initiating the request to discuss the nature of the objections. The library director will then make a decision on challenged material and notify the complainant of that decision in writing.

If the complainant wishes to appeal the decision of the library director, said person must notify the Secretary of the Board of Trustees in writing, within thirty days of the receipt of the decision of the library director. The Secretary of the board will notify the complainant as to the decision of the Board regarding a hearing; and if such a hearing is granted; of the time and place. A decision of the Board of Trustees shall be final.

# INTELLECTUAL FREEDOM STATEMENT

*An Interpretation of the*

## LIBRARY BILL OF RIGHTS

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*The heritage of free men is ours.*

In the Bill of Rights to the United States Constitution, the founders of our nation proclaimed certain fundamental freedoms to be essential to our form of government. Primary among these is the freedom of expression, specifically the right to publish diverse opinions and the right to unrestricted access to those opinions. As citizens committed to the full and free use of all communications media and as professional persons responsible for making the content of those media accessible to all without prejudice, we, the undersigned, wish to assert the public interest in the preservation of freedom of expression.

Through continuing judicial interpretations of the First Amendment to the United States Constitution, freedom of expression has been guaranteed. Every American who aspires to the success of our experiment in democracy—who has faith in the political and social integrity of free men—must stand firm on those Constitutional guarantees of essential rights. Such Americans can be expected to fulfill the responsibilities implicit in those rights.

*We, therefore, affirm these propositions:*

1. We will make available to everyone who needs or desires them the widest possible diversity of views and modes of expression, including those which are strange, unorthodox or unpopular.

Creative thought is, by its nature, new. New ideas are always different and, to some people, distressing and even threatening. The creator of every new idea is likely to be regarded as unconventional—occasionally heretical—until his idea is first examined, then refined, then tested in its political, social or moral applications. The characteristic ability of our governmental system to adapt to necessary change is vastly strengthened by the option of the people to choose freely from among conflicting opinions. To stifle non-conformist ideas at their inception would be to end the democratic process. Only through continuous weighing and selection from among opposing views can free individuals obtain the strength needed for intelligent, constructive decisions and actions. In short, we need to understand not only what we believe, but why we believe as we do.

2. We need not endorse every idea contained in the materials we produce and make available.

We serve the educational process by disseminating the knowledge and wisdom required for the growth of the mind and the expansion of learning. For us to employ our own political, moral, or esthetic views as standards for determining what materials are published or circulated conflicts with the public interest. We cannot foster true education by imposing on others the structure and content of our own opinions. We must preserve and enhance the people's right to a broader range of ideas than those held by any librarian or publisher or church or government. We hold that it is wrong to limit any person to those ideas and that information another believes to be true, good, and proper.

3. We regard as irrelevant to the acceptance and distribution of any creative work the personal history or political affiliations of the author or others responsible for it or its publication.

A work of art must be judged solely on its own merits. Creativity cannot flourish if its appraisal and acceptance by the community is influenced by the political views or private lives of the artists or the creators. A society that allows blacklists to be compiled and used to silence writers and artists cannot exist as a free society.

4. With every available legal means, we will challenge laws or governmental action restricting or prohibiting the publication of certain materials or limiting free access to such materials.

Our society has no place for legislative efforts to coerce the taste of its members, to restrict adults to reading matter deemed suitable only for children, or to inhibit the efforts of creative persons in their attempts to achieve artistic perfection. When we prevent serious artists from dealing with truth as they see it, we stifle creative endeavor at its source. Those who direct and control the intellectual development of our children—parents, teachers, religious leaders, scientists, philosophers, statesmen—must assume the responsibility for preparing young people to cope with life as it is and to face the diversity of experience to which they will be exposed as they mature. This is an affirmative responsibility that cannot be discharged easily, certainly not with the added burden of curtailing one's access to art, literature, and opinion. Tastes differ. Taste, like morality, cannot be controlled by government, for governmental action, devised to suit the demands of one group, thereby limits the freedom of all others.

5. We oppose labeling any work of literature or art, or any persons responsible for its creation, as subversive, dangerous, or otherwise undesirable.

Labeling attempts to predispose users of the various media of communication, and to ultimately close off a path to knowledge. Labeling rests on the assumption that persons exist who have a special wisdom, and who, therefore, can be permitted to determine what will have good and bad effects on other people. But freedom of expression rests on the premise of ideas vying in the open marketplace for acceptance, change, or rejection by individuals. Free men choose this path.

6. We, as guardians of intellectual freedom, oppose and will resist every encroachment upon that freedom by individuals or groups, private or official.

It is inevitable in the give-and-take of the democratic process that the political, moral and esthetic preferences of a person or group will conflict occasionally with those of others. A fundamental premise of our free society is that each citizen is privileged to decide those opinions to which he will adhere or which he will recommend to the members of a privately organized group or association. But no private group may usurp the law and impose its own political or moral concepts upon the general public. Freedom cannot be accorded only to selected groups for it is then transmuted into privilege and unwarranted license.

7. Both as citizens and professionals, we will strive by all legitimate means open to us to be relieved of the threat of personal, economic, and legal reprisals resulting from our support and defense of the principles of intellectual freedom.

Those who refuse to compromise their ideals in support of intellectual freedom have often suffered dismissals from employment, forced resignations, boycotts of products and establishments, and other invidious forms of punishment. We perceive the admirable, often lonely, refusal to succumb to threats of punitive action as the highest form of true professionalism: dedication to the cause of intellectual freedom and the preservation of vital human and civil liberties.

In our various capacities, we will actively resist incursions against the full exercise of our professional responsibility for creating and maintaining an intellectual environment which fosters unrestrained creative endeavor and true freedom of choice and access for all members of the community.

We state these propositions with conviction, not as easy generalizations. We advance a noble claim for the value of ideas, freely expressed, as embodied in books and other kinds of communications. We do this in our belief that a free intellectual climate fosters creative endeavors capable of enormous variety, beauty, and usefulness, and thus worthy of support and preservation. We recognize that application of these propositions may encourage the dissemination of ideas and forms of expression that will be frightening or abhorrent to some. We believe that what people read, view, and hear is a critically important issue. We recognize, too, that ideas can be dangerous. It may be, however, that they are effectually dangerous only when opposing ideas are suppressed. Freedom, in its many facets, is a precarious course. We espouse it heartily.

*Adopted by the ALA Council,  
June 25, 1971*

*Endorsed by the FREEDOM TO READ FOUNDATION,  
Board of Trustees  
June 18, 1971*

MASSACHUSETTS BOARD  
OF  
LIBRARY COMMISSIONERS

## STATE LIBRARY AGENCY

The state agency with responsibility for library planning and development is the Massachusetts Board of Library Commissioners, a part of the Executive Office of Educational Affairs. The Commissioners are appointed by the Governor. The Board maintains a professional staff and offices at 648 Beacon Street in Boston.

The agency has several key functions; to develop and administer a state-wide plan of library service for Massachusetts, to administer Federal funds under the Library Services and Construction Act (LSCA), to administer the regional public library systems, to establish requirements for and issue certificates to professional librarians, to gather statistics from public library in Massachusetts, to set standards of service for public libraries and distribute state aid funds to municipalities meeting those standards, to provide consulting services and assistance to librarians and library trustees and to promote the development of library service in Massachusetts.

## REGIONAL PUBLIC LIBRARY SYSTEMS

In the early 1960's legislation was approved providing for the establishment of regional public library systems; the purpose of which is promote the sharing of library resources among the public libraries in Massachusetts. The Board of Library Commissioners is authorized to contract with local public libraries to provide regional services on three levels. Communities which are designated as regional libraries are reimbursed with state funds for the services they provide on a regional basis. The first level of regional service is the sub-regional libraries. In Eastern Massachusetts they are located at the public libraries in Foston, Lowell, Andover, Wellesley, Taunton, New Bedford and Yarmouth.

## LIBRARIES

### § 19A. State aid; determination

The state treasurer shall annually, on or before July first, pay from the General Fund to each city or town certified by the board of library commissioners to have met certain minimum standards of free public library service established by said board a sum of money for its free public library or libraries which shall be determined as follows:-

1. To each town having a population of less than two thousand five hundred a sum equivalent to the amount appropriated by it for free public library service during the preceding year, but in no event more than one thousand two hundred and fifty dollars.

2. To each city and to each town having a population of two thousand five hundred or more, a sum not exceeding fifty cents for each resident therein; provided, that such city or town appropriates during the preceding year for its free public library service at least one thousand two hundred and fifty dollars.

No city or town which appropriates for its free public library service in any one year an amount less than six dollars per capita of population shall receive any money under this section, if such appropriation is below the average of its appropriation for free public library service for the four years immediately preceding.

If a city or town is eligible for state aid under this section, but gives approved free public library service only for a fraction of the year, the amount it shall receive shall be the amount computed hereunder multiplied by such fraction.

### § 19B. State aid; annual reports by libraries; requisites for aid

The Board of library commissioners, in setting up minimum standards of free public library service and in certifying such libraries for aid under section nineteen A shall require the filing of an annual report and shall require that such public libraries

1. be open to all residents of the commonwealth,
2. make no charge for normal library services,
3. be kept open a minimum number of hours per week,
4. employ a trained library worker,
5. expend a reasonable portion of the library's total budget for books and periodicals,
6. lend books to other libraries in the commonwealth and extend privileges to the holders of cards issued by other public libraries in the commonwealth on a reciprocal basis.

### § 19C. Regional public library service; annual appropriation

The board shall establish a comprehensive state-wide program of regional public library service, consisting of regional public library systems, which shall not exceed five. For such purpose there shall be an annual appropriation which the board shall apply in the following manner:

1. Insofar as practicable the board shall enter into an arrangement or arrangements with such public library or libraries in each regional area as it may determine under the terms of which such library or libraries shall supply services or space, equipment, personnel, books, periodicals and other library materials to communities having fewer than twenty-five thousand inhabitants;



2. Said board shall also designate such public library or libraries in each area or an additional such public library or libraries in the area to serve as a regional reference and research center or centers to meet the reference and research library needs of the residents of all the cities and towns in the area; the amount allocated for such reference and research service to be applied only to the cost of such reference and research books, periodicals and other library materials and to the cost of the personnel employed in such reference and research service;

§19D. Regional public library service; advisory council

For each regional area the board shall establish an advisory council which shall consist of the chief librarian or one trustee to be so designated by the board of trustees of each city or town in the regional area. Such advisory councils shall make suggestions and recommendations to the board of library commissioners concerning the regional public library systems.

Added by St.1960,c.760,§1. Amended by St.1970,c.636,§4.

§ 23B. Open meetings of governmental bodies; executive sessions; exceptions; notice; records; failure to comply; orders

All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.

No quorum of a governmental body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as provided by this section.

No executive session shall be held until the governmental body has first convened in an open session for which notice has been given, a majority of the members have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has cited the purpose for an executive session, and the presiding officer has stated before the executive session if the governmental body will reconvene after the executive session.

Nothing except the limitation contained in this section shall be construed to prevent the governmental body from holding an executive session after an open meeting has been convened and a recorded vote has been taken to hold an executive session. Executive sessions may be held only for the following purposes:

1. To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

a. to be present at such executive session during discussions or considerations which involve that individual.

b. to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.

c. to speak in his own behalf.

2. To consider the discipline or dismissal of , or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

a. to be present at such executive session during discussions or considerations which involve that individual.

b. to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation.

c. to speak in his own behalf.

3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, and to conduct collective bargaining sessions.

4. To discuss the deployment of security personnel or devices.

5. To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.

6. To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiation position of the governmental body and a person, firm or corporation.

7. To comply with the provisions of any general or special law or federal grant-in-aid requirements.

This section shall not apply to any chance meeting, or a social meeting at which matters relating to official business are discussed so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction or advisory power.

Except in an emergency, a notice of every meeting of any governmental body shall be filed with the clerk of the city or town in which the body acts, and the notice or a copy thereof shall, at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to such meeting, be publicly posted in the office of such clerk or on the principal official bulletin board of such city or town. The secretary of a regional school district committee shall be considered to be its clerk and he shall file the notice of meetings of the committee with the clerk of each city or town within such district and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town and such secretary shall post such notice in his office or on the principal official bulletin board of the district. If the meeting shall be of a regional or district governmental body, the officer calling the meeting shall file the notice thereof with the clerk of each city and town within such region or district, and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town. The notice shall be printed in easily readable type and shall contain the date, time and place of such meeting. Such filing and posting shall be the responsibility of the officer calling such meeting.

A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded roll call votes and shall become a part of the record of said executive sessions.

A meeting of a governmental body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction except when a meeting is held in executive session; provided, that in such recording there is no active interference with the conduct of the meeting.

Upon qualification for office following an appointment or election to a governmental body, as defined in this section, the member shall be furnished by the city or town clerk with a copy of this section. Each such member shall sign a written acknowledgment that he has been provided with such a copy.

The district attorney of the county in which the violation occurred shall enforce the provisions of this section.

Upon proof of failure by any governmental body or by any member or officer thereof to carry out any of the provisions for public notice or meetings, for holding open meetings, or for maintaining public records thereof, any justice of the supreme judicial court or the superior court sitting within and for the county in which such governmental body acts shall issue an appropriate order requiring such governmental body or member or officer thereof to carry out such provisions at future meetings. Such order may be sought by complaint of three or more registered voters, by the attorney general, or by the district attorney of the county in which the city or town is located. The order of notice on the complaint shall be returnable no later than ten days after the filing thereof and the complaint shall be heard and determined on the return day or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders with respect to any of the matters referred to in this section may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of this section. In the hearing of such complaints the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by section eleven A  $\frac{1}{2}$  of chapter thirty A, by section nine G of chapter thirty-four or by this section. All processes may be issued from the clerk's office in the county in which the action is brought and, except as aforesaid, shall be returnable as the court orders.

Such order may invalidate any action taken at any meeting at which any provision of this section has been violated, provided that such complaint is filed within twenty-one days of the date when such action is made public.

Any such order may also, when appropriate, require the records of any such meeting to be made public, unless it shall have been determined by such justice that the maintenance of secrecy with respect to such records is authorized. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy.

The rights of an individual set forth in this section relative to his appearance before a meeting in an executive or open session, are in addition to the rights that an individual may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements, and the exercise or nonexercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

## 605 CMR 4.00: FREE PUBLIC LIBRARY SERVICE

## Section

## 4.01 Regulations

4.01: Regulations

(1) "Be open to all residents of the Commonwealth" means that all residents of the Commonwealth shall have access to reading and reference rooms under the same conditions as residents of the community.

(2) "Make no charge for normal library services" means that no charges shall be levied on residents of the local community for the withdrawal of library books in the regular circulating collections of the community's public library or libraries.

A charge may be made, however, for duplicate pay and/or rental collections; for reserving books; for the lending of special media of communication such as recordings, films, pictures, etc.; for special reference or research services such as preparation of bibliographies, photocopying, photostating, abstracting.

(3) "Be kept open a minimum number of hours per week" means that library service should be available to the community a minimum number of hours per week according to the tabulation below. These hours of service should be planned in relation to local community needs, and the hours and days selected for service should reflect the maximum potential use. In communities which have more than one independent library unit supported in whole or in part by public funds and in communities which have branches or stations of a central library, the qualifying number of hours open will be considered as the total number of hours during which library service is available to the community or any of its parts without overlapping or duplication.

Libraries in communities with population	Recommended Minimum Hours Open Per Week (Summer Schedules Excepted)
(a) under 2,000	10 including some evening hours
(b) 2,000 - 4,999	15 including some evening hours
(c) 5,000 - 9,999	25 including some evening hours
(d) 10,000 - 14,999	40 some part of 5 days, including some evening hours
(e) 15,000 - 24,999	50 some part of 5 days, including some evening hours
(f) 25,000 and over	63 open 6 days, including some morning, afternoon, and evening hours

Libraries which do not meet the minimum standards of hours of service upon the date of application for a state grant may establish eligibility for same provided a statement is filed indicating that the minimum standard will be reached within a three-year period from date of application. Libraries already participating in the state grant program but who do not meet the 1966 revision of the minimum standards of hours of service upon the date they take effect will be granted a similar grace period providing there is filed a statement of intent to achieve the minimum standard.

(4) "Employ a trained library worker" means that libraries serving communities within the population groupings listed below should maintain the minimum personnel standards as listed.

In order to protect all present incumbents, the personnel standards will apply to new appointees only. New appointees to librarian-in-charge positions in libraries serving a population of under 10,000 will

## 4.01: continued

be allowed a five-year period in which to qualify by special training, as defined below.

College graduation means graduation with a degree from a college accredited by a regional accrediting association recognized by the National Commission on Accrediting.

Professional training means graduation with a degree from an approved library school. An approved library school is one that is accredited by the American Library Association and/or approved by the Massachusetts Board of Library Commissioners.

Effective January 1, 1970, a municipality will be considered ineligible for direct state aid if the library has had an acting librarian-in-charge or an acting chief librarian for three or more years from the date that the position became vacant.

In any case where it is certified that application of these personnel standards would work a hardship on the library involved, the Board reserves to itself the right to exempt a community from the standard.

Libraries in communi-  
ties with population

Personnel Standards

(a) Under 2,000

Librarian-in-charge: graduation from high school with special training either received or to be received within a five-year period by courses in the basic library techniques of administration, book selection, cataloging and classification, and reference offered through a university extension program, state library extension agency, or by professionally qualified personnel instructing in institutions of higher education or in a regional library system approved by the Board of Library Commissioners. Qualify for a certificate of subprofessional librarianship issued by the Board of Library Commissioners.

(b) 2,000 - 4,999

Librarian-in-charge: completion of 2 years of college with special training as indicated above for communities under 2,000. Qualify for a certificate of subprofessional librarianship issued by the Board of Library Commissioners.

(c) 5,000 - 9,999

Librarian-in-charge: college graduate with special training as indicated above for communities under 2,000. Qualify for a certificate of subprofessional librarianship issued by the Board of Library Commissioners.

(d) 10,000 - 24,999

Chief Librarian: college graduate with a degree from an approved library school; experience in library work; plus a certificate of professional librarianship issued by the Board of Library Commissioners. At the discretion of the Board of Library Commissioners, appointees will be allowed up to 5 years to attain a library school degree.

## 4.01: continued

(e) 25,000 - 49,999

Chief Librarian: college graduate with a degree from an approved library school; experience in library work, preferably in a supervisory capacity; and a certificate of professional librarianship issued by the Board of Library Commissioners. It is understood that appointees in this category must be fully qualified upon appointment.

(f) 50,000 and up

Chief Librarian: college graduate with a degree from an approved library school; experience in library work including supervisory experience; and a certificate of professional librarianship issued by the Board of Library Commissioners. It is understood that appointees in this category must be fully qualified upon appointment.

(5) "Expend a reasonable portion of the library's total budget for books and periodicals" means that the Board of Library Commissioners in determining "a reasonable portion" will be guided by the tabulation given below. Trust funds may or may not be included in computing and reporting the total budget. Monies received as state or federal aid funds for the operation of a regional library system program must not be included in computing a local library's expenditures for books and related materials.

<u>Libraries in communities with population</u>	<u>Minimum Percentage of Library's Total Annual Budget for Books and Periodicals</u>
(a) Under 5,000	20%
(b) 5,000 - 9,999	19
(c) 10,000 - 14,999	16
(d) 15,000 - 24,999	15
(e) 25,000 - 49,999	13
(f) 50,000 and over	12

Libraries which do not meet the minimum standards of expenditures for books and periodicals upon the date of application will be granted a three-year period in which to meet these minimum standards. Libraries already participating in the state grant program but who do not meet the 1966 revision of the minimum standards of expenditures for books and periodicals upon the date they take effect will be granted a similar grace period provided there is filed a statement of intent to achieve the minimum standard.

(6) "Lend books to other libraries in the Commonwealth and extend privileges to the holders of cards issued by other public libraries in the Commonwealth on a reciprocal basis" is interpreted by the Board in accordance with Chapter 78, Section 8 of the General Laws as follows:

(a) "Lend books to other libraries in the Commonwealth" means that any free public library accepting a state grant must be willing to lend its books to any other free public library also accepting a state grant for the use of the residents of the other community under such conditions and/or regulations of inter-library loan procedure as may be made by the board of trustees or other authority having control of the library so lending.

(b) "Extend privileges to the holders of cards issued by other public libraries in the Commonwealth on a reciprocal basis" means that all public libraries participating in the direct state aid grant program must be willing, on a reciprocal basis, to extend direct access and services to non-residents who are card holders in other

4.01: continued

libraries participating in the state grant program and on the same basis as accorded to residents of the municipality in which the library is located.

(c) Libraries which do not meet this revision of the standard on July 1, 1974, the date it takes effect, may establish eligibility provided a statement is filed agreeing that reciprocal borrowing arrangements among libraries participating in the state grant program will be phased in and the charging of a non-resident borrower's fee discontinued within the specified time period as follows:

1. Area. Between and among the public libraries located within each one of the fifteen sub-areas within 2 years. There must be evidence of some compliance in the intervening period.

2. Regional System. Between and among all public libraries located within one of the three regional public library systems within 4 years. Evidence of compliance will be the existence and use of a regional card.

3. State. Between and among all the public libraries throughout the state within 5 years. There must be evidence of some compliance within the intervening period.

(d) Books and related materials held by local libraries under trust agreements to the contrary or purchased by local libraries out of trust monies and appropriately marked as having been so obtained shall not come within the purview of this requirement if it appears to local boards of trustees that such non-discretionary use either by non-residents having direct access to the library or via inter-library loan would violate the terms of the will or other instrument establishing said trust.

(e) Local libraries should reserve the right to refuse to negotiate an inter-library loan for local registered borrowers who are flagrantly delinquent; and local library administrators should agree to cooperate fully with one another in effecting the return of overdue books borrowed by non-residents.

REGULATORY AUTHORITY

605 CMR 4.00: M. G. L. c. 78, s. 19A and 19B.



TRUSTS

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Supreme Judicial Court  
No.

Peabody Institute in Peabody, )  
                                  ) Petitioner

V. )

Francis X. Bellotti, )  
Attorney General, )  
                                  ) Respondent  
                                  ) \_\_\_\_\_

INTERLOCUTORY ORDER

This cause came on to be heard, and it appearing that the parties have hereunto assented, it is hereby ORDERED, ADJUDGED AND DECREED that the petitioner, Peabody Institute in Peabody, deliver to the City of Peabody all of its funds and other property so that the same may be administered by the said respondent for the support of the public library system of the City of Peabody; that the petitioner file an affidavit of its compliance with this order and that, upon filing of such an affidavit, a final judgment ordering the dissolution of the said petitioner be entered without further hearing.

By the Court, (Braucher, J.)

\_\_\_\_\_  
Clerk

Entered: October 5, 1977

A true copy.

Attest:

October 6, 1977

Clerk

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Supreme Judicial Court  
No.

Peabody Institute in Peabody, )  
Petitioner )

V. )

Francis X. Bellotti, Attorney )  
General, )  
Respondent )  
----- )

PETITION FOR VOLUNTARY  
DISSOLUTION OF A  
PUBLIC CHARITY

To the Honorable Justices of the Supreme Judicial Court for  
Suffolk County:

Respectfully represents petitioner, the Peabody Institute of Peabody, a charitable corporation, that it brings this petition pursuant to G.L. c. 180, §11A against respondent, Francis X. Bellotti, as he is Attorney General of the Commonwealth of Massachusetts and therefore has supervisory powers over charitable corporations under G.L. c. 12, §8 and is required under G.L. c. 12, §8G to be named a party to all judicial proceedings involving the administration and application of funds given or appropriated to public charities. Petitioner further represents as follows:

1. Petitioner's predecessor, the Peabody Institute was established in 1852 by a vote of the town of Danvers in which the town accepted from George Peabody an initial gift of twenty thousand dollars, subject to various conditions including the conditions that ten thousand dollars be set aside as a reserve fund for the library and that the town elect a committee to administer said fund for the purpose of establishing a library and a lyceum. By said vote the town also elected a committee of twelve trustees and provided for the appointment by the trustees of a committee of citizens to oversee the operation of the library and a lecture program. In 1870, after having received additional gifts from George Peabody (see paragraph 6(a), infra), the trustees voted to set aside a reserve fund of twenty thousand dollars. Copies of the letter from George Peabody conveying the fund, the vote of the town, and the vote of the trustees setting aside the reserve fund are attached hereto as Exhibits 1(a)-(c). (for the convenience of the court, the texts of hand-written instruments in this exhibit and in the exhibits referred to hereinafter are also provided in typed form.)

2. Under chapter 385 of the acts of 1855 a portion of the town of Danvers, including the land on which the Peabody Institute was located, was set off and incorporated as the town of South Danvers. By a vote of the town of Danvers on November 5, 1866, that town relinquished its rights in the Peabody Institute. A copy of said vote is attached hereto as Exhibit 2.

3. By a vote of the town of South Danvers in 1868 pursuant to Chapter 121 of the Acts of 1868, the name of South Danvers was changed to Peabody.

4. By enactment of chapter 153 of the acts of 1881 petitioner was incorporated. Said act provided that petitioner would consist of the trustees of the Peabody Institute and their successors in office. Said act further provided for the holding and application of funds of petitioner as follows:

Said corporation shall hold all the funds of said Peabody Institute, including their lands and buildings, stocks, bonds and other securities, and such other real and personal estate as may accrue to or for the benefit of said institute by gift, grant or otherwise, for the purposes declared and upon the conditions imposed by George Peabody, the founder of said institute, and shall apply the same in the way and manner indicated by him and as accepted and determined by the town of Danvers at a town meeting held June twenty-eighth, eighteen hundred and fifty-two, or as may have been since or may hereafter be prescribed by the town of Peabody, so far as the same may be in accordance with the expressed views of said founder, and for no other purpose whatever.

5. In 1916, the town of Peabody voted to accept Chapter 300 of the Acts of 1916 which provided, *inter alia*, for a change in Peabody's form of government from that of a town to that of a city and, in section 43 of said act, for the election of trustees of the Peabody Institute in city elections after specified terms in office.

6. The property and funds of petitioner are held subject to the terms of the following instruments of transfer, in addition to those of the letter of George Peabody referred to in paragraph 1 hereof and the statutory provisions referred to in paragraphs 2 through 5 hereof:

(a) Gifts in trust from George Peabody, 1853, 1866, and 1869 in the principal amounts of ten thousand dollars, one hundred thousand dollars and fifty thousand dollars, respectively. Copies of the trust instrument are attached hereto as Exhibits 3(a)-(c), respectively.

(b) Deed of land from Eben Sutton to the Inhabitants of the Town of Danvers, 1853. A copy of the deed is attached hereto as Exhibit 4.

(c) Deed of land from Eben Sutton to the Trustees of the Peabody Institute, 1856. A copy of the deed is attached hereto as Exhibit 5.

(d) Gift of the principal sum of twenty thousand dollars in trust

from Eliza Sutton to the Trustees of the Peabody Institute, establishing "the Eben Dale Sutton Fund," 1867. Copies of letters from Eliza Sutton conveying the fund and establishing certain conditions for the use of the fund are attached hereto as Exhibits 6(a) and (b).

(e) Gift of the principal sum of one thousand dollars in trust from the heirs of George Peabody, 1887. A copy of the letter from R.S. Peabody conveying the fund is attached hereto as Exhibit 7.

(f) Gifts in the total principal sum of fifteen thousand dollars in trust under will of Eliza Sutton to the Peabody Institute. A copy of the will is attached hereto as Exhibit 8.

(g) Trust under will of Eben T. Osborn to the "Sutton Library of Peabody, Mass." A copy of the will is attached hereto as Exhibit 9.

(h) Trust under will of Dorothea C. Osborn to the Trustees of the Peabody Institute. a copy of the will is attached hereto as Exhibit 10.

(i) Bequest under will of Margaret E. Griffin to the Peabody Institute Library. A copy of the will is attached hereto as Exhibit 11.

6. As of June 30, 1976, the latest date for which complete financial information is available, petitioner had assets of \$653,575. and liabilities of \$3,367., all as shown in greater detail in the Statement of Assets, Liabilities and Fund Balances attached hereto as Exhibit 12 (a). For the fiscal year ended June 30, 1976, petitioner received income of \$180,381 and made expenditures of \$155,066., all as shown in greater detail in the Statements of Income and Expenditures and accumulated Income attached hereto as Exhibit 12 (b).

7. Since adoption of the city charter in 1916, the trustees of petitioner have had custody and management of the public library system of the city. In addition to property held by petitioner, the assets of the system include two branch libraries. For the fiscal year ending June 30, 1976, the city appropriated \$178,300 for library purposes. Of that amount, \$125,000 was allocated to the petitioner.

Although an effort has been made to manage the library property held by petitioner and that contributed by the city as an integrated system, the status of petitioner as a separate corporation has created budgeting difficulties and administrative confusion. At the present time, some library personnel are employed by the petitioner and some by the city. The differences between benefit programs available to petitioner and the city impair efforts to achieve an equitable distribution of benefits among similarly situated employees. Determining an appropriate allocation of nonemployee expenses between the two library budgets has also become increasingly difficult.

8. Under Chapter 197 of the Acts of 1976, the City of Peabody is authorized to issue bonds for the purpose of remodelling, reconstructing or making repairs to the library structure held by petitioner. Said Act provides that the trustees of the Peabody Institute shall be an agency of the City of Peabody, with "custody and management of the public library system of the city and all property owned by the city relating thereto." Said Act further provides that nothing in it "shall preclude voluntary dissolution of " the petitioner and that nothing in it shall prevent the trustees of the Peabody Institute, in the event of such dissolution, from exercising their powers under this act or from continuing to administer money or property held by the corporation "as a court having jurisdiction in the premises may authorize or direct."

9. At a special meeting held on April 8, 1976, the trustees of the Peabody Institute voted to authorize the filing of a petition for dissolution in this court, the transfer of all of the property of petitioner to the City of Peabody, and the taking of such other action as is necessary to carry out the purposes of said vote. A copy of the Secretary's Certificate evidencing the vote is attached hereto as Exhibit 13.

10. The dissolution of petitioner will permit the trustees, as an agency of the City of Peabody, to operate the public library system of the city in a uniform manner, and to administer assets held by petitioner as a part of that system, subject to all conditions and limitations imposed upon the trustees by the Deed of Trust referred to in paragraph 1 hereof and by other instruments governing the administration of gifts and bequests referred to in paragraph 6 hereof.

WHEREFORE the petitioner prays that this court:

1. enter an interlocutory order confirming the transfer of the assets held by petitioner to the City of Peabody,
2. enter a judgment dissolving the petitioner after petitioner has filed an affidavit of compliance with the interlocutory order, and
3. grant such other relief as is meet and proper under the circumstances.

By its attorneys,

Katherine Hendricks  
Palmer & Dodge  
One Beacon Street  
Boston, Ma. 02108  
(617) 227-4400

London

EDUCATION \_ A debt due from present to future generations.

In acknowledgment of the payment of that debt by the generation which preceded me in my native town of Danvers, and to aid in its prompt future discharge, I give to the inhabitants of that town the sum of TWENTY THOUSAND DOLLARS, for the promotion of knowledge and morality among them.

I beg to remark, that the subject of making a gift to my native town has for some years occupied my mind, and I avail myself of your present interesting festival to make the communication, in the hope that it will add to the pleasures of the day.

I annex to the gift such conditions only as I deem necessary for its preservation and the accomplishment of the purposes before named. The conditions are, that the voters of the town, at a meeting to be held at a convenient time after the 16th June, shall accept the gift, and shall elect a committee of not less than twelve persons, to receive and have charge of the same, for the purpose of establishing a Lyceum for the delivery of lectures, upon such subjects as may be designated by a committee of the town, free to all the inhabitants, under such rules as said committee may from time to time enact; and that a Library shall be obtained, which shall also be free to the inhabitants, under the direction of the committee.

That a suitable building for the use of the Lyceum shall be erected, at a cost, including the land, fixtures, furniture, etc., not exceeding Seven Thousand Dollars, and shall be located within one third of a mile of the Presbyterian Meeting-House occupying the spot of that formerly under the pastoral care of the Rev. Mr. Walker, in the South Parish of Danvers.

That Ten Thousand Dollars of this gift shall be invested by the town's committee in undoubted securities as a permanent fund, and the interest arising therefrom to be expended in support of the Lyceum.

In all other respects, I leave the disposition of the affairs of the Lyceum to the inhabitants of Danvers, merely suggesting that it might be advisable for them, by their own act, to exclude sectarian theology and political discussions forever from the walls of the institution.

I will make one request of the committee, which is, if they see no objection, and my venerable friend Capt. Sylvester Proctor should be living, that he be selected to lay the corner stone of the Lyceum Building.

Respectfully yours,  
GEORGE PEABODY

**LETTER CONVEYING THE TRUST FUND**

**London, 26th May, 1852**

Gentlemen:

I have the honor to acknowledge the receipt of your letter, inviting me to be present at the celebration of the one hundredth anniversary of the separation of Danvers from Salem, on the 16th of June, or, if not able to attend, to signify, by letter, my interest in the occasion.

I am very sorry that my engagements allow me to comply only with the latter part of your request.

I should have the greatest pleasure in joining in your interesting celebration there, if possible. The early associations of my life are clustered around our ancient town. It was, as many of you know, in a very humble house in the South Parish that I was born, and from the Common Schools of that Parish, such as they were in 1803 to 1807, I obtained the limited education my parents' means could afford; but to the principles there inculcated in childhood and early youth, I owe much of the foundation for such success as Heaven has been pleased to grant me during a long business life. Though my manhood, before coming to England, was spent in Baltimore, (which shares with my native town in my kindest feelings.) I still cherish the recollections of my earlier days, and anticipate, with much pleasure, a visit to the Old Parish, that I may witness the great strides I am told you have been making in wealth and improvements.

It is now nearly sixteen years since I left my native country, but I can say with truth that absence has only deepened my interest in her welfare. During this interval I have seen great changes in her wealth, in her power, and in her position among nations. I have had the mortification to witness the social standing of Americans in Europe very seriously affected, and to feel that it was not entirely undeserved; but, thank Heaven, I have lived to see the cause nearly annihilated by the energy, industry, and honesty of my countrymen, -thereby creating between the people of the two great nations speaking the English language, and governed by liberal and free institutions, a more cordial and kind feeling than has existed at any other time. The great increase of population and commerce of the United States, -the development of the internal wealth of the country and enterprise of her people, have done much to produce this happy change, and I can scarcely see bounds to our possible future, if we preserve harmony among ourselves and good faith to the rest of the world, and if we plant the unrivalled New England institution of the Common School liberally among the emigrants who are filling up the great valley of the Mississippi. That this may be done, is, I am persuaded, no less your wish than mine.

I enclose a sentiment, which I ask may remain sealed till this letter is read on the day of celebration, when it is to be opened according to the direction on the envelope.

With great respect,  
I have the honor to be,  
Your fellow - townsman,  
GEORGE PEABODY.



PROCEEDINGS of the TOWN OF DANVERS

in relation to

THE DONATION OF GEORGE PEABODY, ESQ.  
Of London

Agreeably to the vote adopted at the table, on the day of the Centennial Celebration, the Committee of Arrangements called a meeting of the citizens of the town, by legal notice, to act upon the Communication of Mr. Peabody,\* the proceedings of which meeting, certified by the Clerk of the town, are here presented.

At a legal meeting of the inhabitants of the Town of Danvers, qualified to vote in town affairs, holden at Union Hall, in the South Parish in said town, on Monday, the twenty-eighth day of June, in the year of our Lord one thousand eight hundred and fifty-two.

On motion made by John W. Prector, it was

VOTED, That the Centennial Committee be authorized and instructed to cause such a publication of the papers and transactions connected with the Centennial Celebration, as, in their judgment, the interest and credit of the town demands, and a copy thereof to be furnished to each family in town.

The original communication from George Peabody, Esq., was read by the Moderator; and afterwards, Dr. Andrew Nichols read the resolutions which had been prepared, and submitted the same to the town.

On motion made, it was

*Voted unanimously*, That the whole of said resolves, which have been submitted by Dr. Nichols, and separately acted upon, be adopted by the town.

*Resolves, as submitted by Dr. Andrew Nichols, and adopted by the Town.*

*Resolved*, That we, the legal voters of the town of Danvers, in legal meeting assembled, accept, with deep emotions of gratitude, the munificent gift of George Peabody, Esq., of London, of Twenty Thousand Dollars, for the promotion of knowledge and morality among us; and we, with due sense of its importance, to ourselves and to those who are to succeed us, accept the offered trust, and bind ourselves to faithfully, ardently and constantly endeavor to fulfil the wishes and accomplish the noble purpose of the generous donor, and to enjoin on our successors a like performance of the same sacred duty.

*Resolved*, That we now proceed to the choice of a committee of twelve persons to receive and have in charge the said donation, for the purpose of establishing a Lyceum for the delivery of Lectures, upon such subjects, exclusive of *sectarian theology and party politics*, as may be designated by a committee of the town, free to all the inhabitants, under such rules as said committee may, from time to time, enact; and to establish a library, which shall also be free to the inhabitants, under the direction of the committee.

*Resolved*, That the members of said committee shall exercise all the authority and perform all the duties contemplated by the donor; and shall hold office by the following tenure, viz.:—Two of the twelve shall hold the office until the annual meeting in 1858; two until 1857; two until 1856; two until 1855; two until 1854; two until 1853; or in all cases, until others be chosen and accept the trust in their stead. And it shall be the duty of said committee, as soon as may be after their organization, to determine, either by agreement or by lot, who of this number shall hold the office for the several times named, and communicate the same to the clerk of the town, whose duty it shall be to enter the same on the records. And it shall be the duty of the selectmen to order, in every warrant for the annual town

meeting hereafter, the inhabitants to choose or give in their votes for two persons, to become members of said committee, for the term of six years, in the place of those whose term of office at that time expires; and to fill all vacancies caused by death, resignation, or removal from the town.

*Resolved*, That the aforesaid Committee of Trustees appoint annually, from the citizens of the town at large, another committee, who shall select books for the library - designate the subjects for lectures - procure lecturers - enact rules and regulations, both in regard to the lectures and the library, and perform all such other duties as the committee shall assign to them; and they shall make a full report of their doings to the Trustees, semiannually, viz., on or before the second Mondays in February and August.

*Resolved*, That the Committee of Trustees be also required to make a full report of their own doings, and the doings of the committee by them appointed, at the annual town meeting previous to the choice of members of said committee, above provided for.

*Resolved*, That it shall be the duty of said committee to correspond with the benevolent donor while he lives, and, in all their doings, pay all due regard to his expressed wishes.

On motion made by A. A. Abbott, Esq., it was

*Voted*, That the Institution, established by this donation, be called and known as the PEABODY INSTITUTE, and that this name be inscribed, in legible characters, upon the front of the building to be erected, that, in future years, our children may be reminded of their fathers' benefactor, and that strangers may read the name of him, of whom Danvers will always be proud to claim as her son.

On motion of Mr. Fitch Poole, it was

*Voted*, That our venerable and respected fellow-citizen, Capt. Sylvester Proctor, be invited in behalf of the town, and in accordance with the special request of his early and constant friend, Mr. Peabody, to assist in laying the corner stone of the proposed edifice.

On motion made by the same gentleman, it was

*Voted unanimously*, That the Board of Trustees, chosen this day, forward a certified copy of the proceedings of this meeting to Mr. Peabody.

On motion made by William H. Little, it was

*Voted unanimously*, That all the communications received from George Peabody, Esq., of London, be recorded.

The following gentlemen were elected Trustees by ballot:

- |                   |                     |
|-------------------|---------------------|
| 1. R.S.Daniels,   | 7. Francis Baker,   |
| 2. E.W. Upton,    | 8. Eben Sutton,     |
| 3. S.P.Fowler,    | 9. W.L. Weston,     |
| 4. Joseph Osgood, | 10. Joseph Foor,    |
| 5. Miles Osborn,  | 11. A.F. Clark,     |
| 6. Eben King,     | 12. Joseph S.Black. |

True Extracts from the Town Records. Attest,

Joseph Shied, Town Clerk.

London 12th Feb. 1853

Robert S. Daniels, Esq.  
Danvers

Dear Sir,

You have my warmest thanks for your interesting letter of the 24th ult, which places before me, the position and feelings of the "Town's Committee," regarding the erection of the Lyceum Building, in that frank and dear manner, which meets my full approbation, and I have only to regret that your sense of delicacy, (however praiseworthy the feeling), had not sooner permitted you to make the communication, and thus have enabled me to relieve your Committee, at an earlier period, of the difficulties that obstructed their course.

Your letter has quite satisfied me, that my original appropriation for a building, is inadequate to meet the prospective wants of the town. This arose from not fully considering that Rail-Roads now enable the inhabitants of the whole town to congregate at a point in less time, and with greater convenience, than did formerly the society of the South Parish, at the meeting house.

It is my wish, that the building to be erected, should in every respect, be such as will fully answer the purpose contemplated, and at the same time, be an ornament to the town. I therefore, now enclose my firms first of Exchange, on Mejs. Blake, Ward & Co., Boston, at 3 days sight, for Ten Thousand Dollars which you will add to the \$20,000, I sent you in August last, thus placing in the hands of the town's committee, a sum of \$17,000 to defray the expenses of land, building, fixtures, furniture & ect. If more is required I think it will be quite in order to use any accumulated interest on the whole \$30,000 for that purpose, and if less will answer to carry out the views of the committee, any surplus of principle or interest can be added to the library funds as I consider the committee will fully carry out the object of that trust, by investing \$10,000, as a permanent fund, the interest of which from a period six months previous to the finishing of the building, shall be exclusively expended in support of the Institution.

With sentiments of high respect for yourself and each member of your Committee, I remain

Very Sincerely Yours,  
George Peabody

London, 9th Nov. 1855

Hon. Robert L. Daniels  
Chairman Peabody Institute  
South Danvers

Dear Sir,

The report which you gave me in March last, of the first season's operations at the "Peabody Institute", was most Satisfactory, and the following concluding remark, warmed my heart with gratitude, towards, not only the committee, who have so well managed the Institute, and Library, but to all those, who have in so praiseworthy a manner, participated in the advantages they offered.

The gathering together on one or more evenings of each week, of so many of our people, under circumstances so pleasing, has had a tendency to promote social intercourse and diffuse kind and genial feelings, throughout, our community; and I cannot close without stating, that altho' our Lyceum and Library are free to all classes, the most perfect decorum and good order, have prevailed throughout, and I believe that all who come to the Institute and partake of what is freely offered, feel as though they were treading upon ground, sacred to knowledge, morality and good order".

Since the receipt of this report, as you are aware from confidential intercourse with my friend George B. Blake Esq., of Boston, it has been my intention to make the Institute and Library more worthy of the increasing population of my native town, by the gift of the property immediately adjoining, and consequently an additional permanent income for their support.

I now enclose a credit on Messrs. Blake, Howe & Co. of Boston for Fifteen Thousand Dollars, which you will use when required for the following purposes; The purchase of the property, of which you sent me plans by Mr. Blake, now belonging to Mr. Sutton and Mr. Merrill together, not exceeding \$12,000 and the remaining Three Thousand Dollars, you will use for improving and ornamenting the property according to your own taste and judgement.

The deeds of the property, to be taken in the name of the Trustees of the Institute, and the income to be derived from the same, to be devoted to the support of the Lyceum, and use of the Library.

Feeling assured that yourself and the gentlemen composing your committee, will execute this trust in a manner, satisfactory to the people of Danvers, as well as myself.

I remain very truly yours,  
George Peabody

Revere House, Bostonm Dec. 22, 1856

To the Trustees of the Peabody Institute.

Gentlemen,

During my recent visit to the old town of Danvers, I had opportunities of examining into, and understanding, the operations of the Institute, and of ascertaining to some extent, the comparative advantages derived from it by different portions of the town. In compliance with my original directions, the Institute was located within one third of a mile of the site of the meeting house formerly under the pastoral charge of the Rev. Mr. Walker and while thus the population of South Danvers are within a reasonable distance of the Institute, the population of Danvers is mostly too remote therefrom and cannot very conveniently share fully in its privileges.

It has occurred to me that a branch library might be established in Danvers, in some central position, probably at the Plains which would remedy the existing difficulty and would secure to the inhabitants of Danvers, a more equal participation in the benefits which it was my design to confer upon all.

I therefore propose to make a donation of Ten Thousand Dollars, for the purpose of establishing a branch library to be located as before mentioned, provided the suggestions and conditions herein after stated, are satisfactory to all the parties interested.

First: The library shall be called and known as "The Branch Library of the Peabody Institute", and shall be under the direction and control of the Trustees of the Institute, in the same manner and to the same extent, as are the funds of the Institute and its Library at So. Danvers.

Second: Three Thousand Dollars of the amount to be expended at once for the purchase of books (and the fitting up of a room or rooms for their reception): the remainder Seven Thousand Dollars to be safely invested by said Trustees, and the income thereof to be used by the Lyceum and Library Committee of the Institute, for the increase of the Library, the payment of rent, and for defraying such other expenses as may be incurred in the proper care and management of the same; the whole of the income to be used for the exclusive benefit of the "Branch Library".

Third: The inhabitants of Danvers are to be still entitled to the full enjoyment of all the privileges and advantages of parent Library, and of the Lyceum, and the inhabitants of So. Danvers are to have the right of participating equally in the privileges of the Branch Library; if however it should be found hereafter, that this arrangement ought to be modified for the better advantage and to the greater satisfaction of all concerned, then this last provision, as well as either of the others, may be altered by general consent, but such alteration being subject to my approbation.

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It is my desire, gentlemen, that you will, as soon after the receipt of this as is convenient, confer with some of our friends in Danvers in which conference, it is my wish that the Lyceum and Library Committee of the Institute should take part, as in all proceeding relating to this matter.

I shall wait the result of your deliberations.

Very truly yours,  
George Peabody

Washington City  
Feb. 14, 1857

J. B. Peabody, Esq., Clerk  
South Danvers

I duly received your letter dated 1st ult enclosing resolutions unanimously adopted by the Trustees of the Peabody Institute Dec. 31, 1857.

Those Resolutions accepted the proposals, I have made, to give to the Institute as follows:

\$1200 being interest at 6% on \$20,000 during my life, in addition to previous donations.

A Grand Piano, and Ten Thousand Dollars to establish a Branch Library in Danvers.

I have already confirmed a credit with Messrs. Blake, Howe & Co. for the payment of \$1200 a year, and also forwarded to the Institute one of Chickering's Grand Pianos. I have sent to Blake, & Co. orders to pay the Trustees, the \$10,000 when required, for the purpose of establishing the library to which I have referred, and which I now confirm by the enclosed letter of credit, addressed to that house.

I beg to inform you that I have received from E. F. Putnam Esq., Town Clerk of Danvers, Resolutions unanimously adopted by the inhabitants at the Town Hall on the 12th ult accepting the Branch Library, in terms perfectly in accordance with my intentions and wishes.

Very Respectfully and Truly Yours

George Peabody

J.B. Peabody, Esq.  
Clerk

London, Aug. 20, 1862

My Dear Sir

By my friend F.G. Somerby, Esq. I beg herewith to send you the Gold box "valued at 100 Guinias" presented to me with the Freedom of the City of London on the 10th ult. Mr. Somerby will also hand you a book containing my letter to Trustees donating for the benefit of the London poor, One Hundred and Fifty Thousand Pounds, and their reply, beautifully written on vellum, which together with the gold box, I hope and trust the Institute over which you preside, and which bears my name will do me the favor to accept and carefully preserve, so that every poor boy in my native town for generations to come, who looks upon that box, may reflect, that with a similar course of conduct, blessed by his Maker, he has the same opportunity as I had at his age of receiving the honors which have been so liberally bestowed upon me.

With great respect I am truly yours

George Peabody



To the Trustees of the Peabody Institute of South Danvers

Georgetown, September 22, 1866

Gentlemen,

On revisiting this country, there were few subjects in which I felt a deeper interest than in the condition and success of the Institute at South Danvers, and the Branch Library at Danvers.

After close personal observation, and careful inquiry, I am fully satisfied that these Institutions have proved of great benefit to my native town, and that with additional means at their command, their usefulness may be largely increased and extended. Accordingly, and with the same general purposes which prompted my original endowment, to wit, the spread of knowledge and morality among your inhabitants, I now propose to give to the Institute at South Danvers, in addition to what I have already given, the sum of One Hundred Thousand Dollars, and an additional sum of Forty Thousand Dollars to the Branch Library at Danvers, to meet the wants of the people there.

As I understand it to be the desire of the inhabitants of each town that the two establishments should hereafter be separated, distinct, and entirely independent of each other, and as in my own judgment this arrangement would be for the best good of all concerned, it will be necessary that the town of South Danvers should formally relinquish all rights and privileges in the Institution at Danvers; such action to be followed by corresponding action on the part of the town of Danvers, relinquishing all rights and privileges in the Institution at South Danvers.

It will also be necessary that the funds heretofore placed in your hands for the especial use of the Branch Library, should be transferred to those who are hereafter to have it in charge. This being done, and the municipal action suggested above having been had, I shall be ready to pay over to the Treasurer of your Board the sum indicated above, to be applied, by yourselves and your successors in office, in the enlargement and improvement of the Institute, in expanding its capacities for usefulness, and in making it what I fervently hope it may be, a perpetual and ever increasing source of good to the people of South Danvers.

I am reluctant to annex to this gift any conditions, but I do most earnestly desire harmony, peace and good will. In my first gift to the town, I suggested "that it might be advisable for the inhabitants, by their own act, to exclude sectarian theology and political discussions forever from the walls of the Institution". The views I then entertained, time has only served to strengthen and confirm, and I must not omit now to impress them upon you. And that there may be no misunderstanding as to what these views are, and as I cannot express them more distinctly or forcibly, I will repeat to you the suggestions made by me in a letter establishing the Institute at Baltimore.

"My earnest wish to promote at all times a spirit of harmony and good will in society; my aversion to intolerance, bigotry, and party rancor, and my enduring respect and love for the happy Institutions of our prosperous republic, impel me to express the wish that the Institute I have proposed to you shall always be strictly guarded against the possibility of being made a theatre for

(continued - September 22, 1866)

the dissemination or discussion of sectarian theology or party politics, that it shall never minister, in any manner whatever, to infidelity, to visionary theories of a pretended philosophy which may be aimed at the subversion of the approved morals of society; that it shall never lend its aid or influence to the propagation of opinions tending to create or encourage sectional jealousies in our happy country, or which may lead to the alienation of the people of one state or section of the Union from those of another. But that it shall be so conducted, throughout its whole career, as to teach political and religious charity, toleration, and beneficence, and prove itself to be, in all conditions and contingencies, the true friend of our inestimable Union, of the salutary institutions of our free government, and of liberty regulated by law".

These views, the force of which the recent unhappy troubles in this country have not impaired, but rather served to increase their weight and render them more impressive, I enjoin upon you and your successors forever, for your invariable observance and enforcement, in the administration of the duties confided to you. I would not have anything said or done, by or under the auspices of the Institute, or within its walls, I would not have in the lecture room any expression of opinions, or speech, or word, which should create unpleasant feelings, or rankle in the breast of any one person, or set neighbor against neighbor, or do aught to disturb that kindly temper and social harmony which are most favorable to intellectual and moral culture, and which it is my earnest desire to promote. Surely there may be one place, one retreat, free from contention and strife, which angry passions and vituperative debate shall not enter - where there shall be agreement, sympathy and good will, - where the irritated temper and the fretted mind may find relief, - where all, forgetting for a time their diverse opinions and conflicting views, may meet upon a common level and together unite in efforts for a higher nature and a nobler life. Such a retreat I would establish and to secure this I invoke your cooperation.

I have only one other suggestion to make, Her Majesty, Queen Victoria, has been pleased to do me the signal honor of writing me a highly complimentary letter with her own hand, and tendering me the gift of her portrait. This is now being executed in enamel on a plate of gold by her Majesty's artists at London, and will be forwarded to me during the present year. As a work of art it will be extraordinary and unique: its intrinsic value will be great, and as an undeserved and too flattering personal testimonial and tribute, its worth to me and mine will be beyond price. Of this letter of the Queen, her portrait, the gold boxes from the City of London, and other valued testimonials, I propose to make you and your successors the custodians.

In completing the arrangements for enlarging the Institute building which I understand you are now making, I require of you to provide a strong room, with suitable safe, for the deposit and exhibition of these valuables, which shall be secure against accident or violence, and which, so far as human prudence can do, shall preserve them uninjured for future generations.

Allow me, gentlemen, in closing, to recognize and thank you for the earnest labors by which you have striven to render my efforts in behalf of the people of my native town successful, to congratulate myself and you that those labors and efforts have thus far met with a return which should gratify the warmest anticipations, and to indulge the hope that by the blessing of a Kind Providence, our joint endeavors may be convinced with great and abiding good results.

I am, with great respect,  
Your humble St

George Peabody

No. 91 Lafayette St.  
Salem  
September 13, 1869

Hon. A.A. Abbott  
President of the Trustees of the Peabody Institute  
Peabody, Mass.

Dear Sir,

I beg to hand you herewith an order on James Tinker,  
Esq., New York, for Fifty Thousand Dollars.

This sum is to be added to the funds already in the  
hands of your Board of Trustees, and used for the purposes  
of the Institute as already defined and stated to you in  
my previous letters, the injunctions contained in which  
I again confirm and repeat in every respect.

I trust that this sum in addition to the funds  
already at your disposal, and making in all the amount  
of Two Hundred Thousand Dollars, may make your Institute  
not only independent but wealthy, and that it may serve to  
enlarge even more widely the field of usefulness, for  
all generation, in which the Institute has already  
commenced so successful a mission.

I am, with great respect,  
Your obedient servant,  
George Peabody

## BURIAL LOT FUND

Germantown, Penn., Jan 14, 1887

To the President and Board of Trustees of  
The Peabody Institute, Peabody, Ma.

Gentlemen,

It has been intimated to the heirs of the late George Peabody, of London, deceased, that for the purpose of preserving and caring for the lot, where his remains are buried, in Harmony Grove Cemetery, adjacent to you, your board would be willing to accept the sum of one thousand (\$1000) dollars, in perpetuity and apply the income thereof from time to time to that purpose as might be necessary. If such intimations be correct, the heirs of Mr. Peabody have decided to place the above amount in your hands for that purpose under the following limitations, if acceptable to your - First; - That you will hold the above amount as a separate Fund, the income to be devoted exclusively to the preservation and general care of the said lot, so that it may at all times be in an orderly, neat and proper condition. - Second; - That in making this provision surrounding it, and in placing the lot to that extent under your control and supervision, this act shall in no degree lessen or abate the ultimate and absolute right of the heirs or representatives of Mr. Peabody to make such alterations, improvements, repairs of additional burials or removals in or from said lot, at their own expense, as they may from time to time deem necessary or advisable, as freely, and to the same extent as if this endowment or trust had not been made.

Hoping that the views expressed herein may prove to be in conformity with your own, and acceptable to you, I remain.

Very truly yours,  
R.S. Peabody

VOTED: That the Board of Trustees of the Peabody Institute of Peabody, will accept the sum of (\$1,000) from R.S. Peabody, for the Heirs of the late George Peabody, for the purposes, and under the conditions, stated in the said R. S. Peabody's letter to this Board, dated at Germantown, Penn., 14 January 1887, which letter is hereby ordered to be entered upon our records.

## ESTABLISHMENT OF THE RESERVE FUND

March 5, 1870

VOTED:

That a portion of the capital funds of the Institute, representing and fully equal in value to the sum of Twenty Thousand dollars, (\$20,000) be set apart and constituted a Reserve Fund, the interest of which, as it accrues, shall be added to and become a part of the principal; that the Treasurer of the Board keep and annually present and account of this fund, with its accumulations to be designated the Reserved Fund Account, separate and distinct from the general account; that no draft at any time be made upon this fund, for the ordinary expenses of the Institute, but that it shall be allowed to increase without deduction or interruption until such time as it may be necessary to erect new edifices or make some organic change in, or permanent or fundamental additions to the Institute, or until some great or unforeseen emergency shall arise, and that, then, only the accumulations shall be drawn upon and used, but that the original fund of Twenty Thousand dollars shall be always and forever kept whole and intact to the end that this, the last request of Mr. Peabody may be obeyed, the true and wise purposes of his bounty be fulfilled, and the best interest of the people of his native town, which he loved so well, be hereafter and forever secured.

G. F. Osborne, Secretary  
Board of Trustees

South Danvers, Oct. 15, 1866

To the Trustees of the Peabody Institute

Gentlemen,

The rare advantages conferred on our community by the establishment of the Peabody Library, are fully appreciated and gratefully acknowledged by all who have been privileged to enjoy them. Having had favorable opportunities for observing its beneficent results hitherto, I could but cherish a deep interest in its continued prosperity and success. This interest has ripened into a feeling akin to personal affection, through recollection of the delight and improvement which its treasures afforded to my dearly beloved son, now deceased, Eben Dale Sutton.

As a memorial of this departed son, I have desired to make to the Institute some offering, which should permanently connect his name with this noble benefaction.

Having received from Mr. Peabody a kind and cordial approval of my plan, I propose to present for your acceptance, as Trustees of the Peabody Library, the sum of Twenty Thousand Dollars, for the furtherance of the objects had in view by its founder.

In making this gift it is my wish not to trespass upon the ground already so successfully occupied by the present library for circulation.

I desire that it may be invested as a permanent fund, to be called the Eben Dale Sutton Fund, the income of which, as it accrues, shall be devoted exclusively to the establishment of a Reference Library; that the books purchased for it shall be of enduring value, and such only as are desirable and indispensable for the use of scholars; that they shall be substantially and as far as is practicable, uniformly bound, and shall be kept together in some room of the Institute Building especially assigned for their accommodation, from which they shall never be loaned nor taken.

It is not my purpose to attach any onerous conditions to this donation; but at a future time, should my proffer be acceptable to you, I will express more fully my wishes and plans for its disposition and management.

I shall place this gift in your hands, Gentlemen, associated as it is with tender memories, with full assurance that it will be wisely administered, and will prove a lasting blessing to the present, and to future generations.

Yours respectfully,  
Eliza Sutton

January 28, 1867

To the Trustees of the Peabody Institute  
South Danvers

Gentlemen,

Through a Committee of your Board, Hon. A.A. Abbott and Dr. George Osborne, I have received your formal acceptance of the gift, which on the Fifteenth of October last, it was my happiness to offer you in trust, for the foundation and establishment of a Reference Library, as a department of the Peabody Institute.

In fulfillment of my offer made at that time, I herewith hand you Twenty Thousand Dollars in City of Boston bonds, principal and interest payable in gold, together with the interest accrued since the first day of that month.

As regards the disposition and management of this gift, allow me to repeat what I have already expressed in my former letter to you, together with a few other suggestions.

I desire that it may constitute a permanent fund, to be called "The Eben Dale Sutton Fund", the income of which, as it accrues, without any abatement, shall be passed to the credit of the "Lyceum and Library Committee" of the Institute; and that it shall be by them wholly expended in the purchase of books of practical and enduring value, together with charts, maps, diagrams, models, and such other helps to the acquisition of knowledge, as are to be found in the best libraries established for the use of students and scholars; and in defraying such incidental expenses as may become necessary for the preservation and perpetuation of the books and apparatus constituting the library; and for no other purpose. I desire that the books may be substantially and as far as practicable, uniformly bound, and that they be kept together in a room of the Institute Building especially assigned for their accommodation, from which they shall never be loaned nor taken.

It is my wish that there shall be affixed to the inside of the cover of each volume placed in the library, an impression from a plate which I will provide and hand to you, bearing the seal of the Institute and the following words: Peabody Institute. From the Eben Dale Sutton Fund. Purchased A.D. - and figures indicating the year in which it was purchased.

It seems to me so important to prevent the accumulation of the interest of this fund, and to insure the application of it to the end in view, that I am led to make it a condition of this gift, that at no time shall the Lyceum and Library Committee hold in their hands, unexpended, more than the income of one year.

Whenever the contemplated changes in the Institute Building shall have been made, and a suitable room appropriated to the Reference Library, should it be agreeable to your Board, it will afford me pleasure to furnish it, at my own expense, with whatever may be necessary to render it convenient and attractive.

This library is designed primarily and chiefly for the use and improvement of our own townsmen; but I trust that in its management a liberal policy will be pursued towards those not resident within our borders; so that whatever treasures of knowledge it may at any time contain, may be easily accessible to any one desirous of profiting by their use.

I am aware that the value and usefulness of this foundation must depend mainly upon the intelligence and rectitude of those who shall be charged with its administration; and that in the hands of a competent and conscientious Board of Trustees, the less it is cumbered with conditions, the more efficient it will prove. To the few, therefore, stated above, I have none to add.

The good judgment and fidelity which have characterized the direction of the affairs of the Peabody Institute since its establishment, will not, I am sure, be diminished by added years of experience; and I do not, therefore entertain a doubt of its continued and increased success.

During the remainder of my life, it will be to me a source of happiness, that it has been my fortune to unite with the liberal minded founder of the Institute, and with you, gentlemen of the Board of Trustees, in efforts for the wider diffusion of sound learning; and the Institution under your care will continue to be to me an object of interest and affection.

Thanking you for the kind and graceful terms in which you were pleased to signify your acceptance of this gift, and reciprocating your expressions of personal regard,

I remain,

Yours very respectfully,  
Eliza Sutton



Peabody, April 7th 1869

To the Trustees of the Peabody Institute

Gentlemen,

In the letter which I had the honor to address to you on the 28th January 1869, I expressed the desire to furnish, at my own expense, such a room in the Institute Building, for the reception of the Sutton Reference Library, as you should be pleased to appropriate for that purpose.

On the 2nd February following I was notified of your acceptance of my proposition, and that the upper hall in the new extension would be at my disposal. Since May last the work upon it has been urged forward with all the haste consistent with the desired thoroughness of its execution, and today I have the pleasure of returning to you the keys of the completed room.

The only consideration which has influenced me in the finishing and furnishing of this Hall, has been the desire to make it as convenient and attractive as possible and to render the treasures which I hope to see accumulating on the shelves easily accessible to the public. Should I have omitted anything which your wider experience may suggest as conducive to these ends, I trust you will afford me the opportunity of supplying it.

In my letter above referred to, I expressed the wish that the income of the fund previously given should be exclusively appropriated to the increase and preservation of the Library. As it is my desire, however, that your acceptance of the Eben Dale Sutton Fund shall in no event impose any pecuniary burden upon the general fund of the Institute, you are at liberty to disregard this restriction, so far as to make the expense of lighting and warming the Reference Library Room and of providing an attendant for it, a charge upon the income of the fund.

With the earnest hope and the confident expectation, that under the judicious management of yourselves and your successors in office, the Sutton Reference Library will increase among us the love for sound learning, and will exercise a commanding and beneficent influence upon the intellectual and moral culture of this community,

I remain,

Gentlemen,

Very respectfully yours,  
Eliza Sutton

## SUTTON BUILDING FUND, FUEL, LIGHTS & FURNISHINGS

28th clause of the will of Mrs. Eliza Sutton:

I give to the Peabody Institute of said Peabody, five thousand dollars to be added to the Eben Dale Sutton Fund, to be permanently invested and the income thereof expended for books for the Reference Library, in the same manner and under the same conditions in all respects as the said Fund heretofore given by me to said Peabody Institute, consisting of twenty thousand dollars is to be kept invested, and the income thereof expended by the terms of the gift as expressed in my two communications to the Trustees of said Institute under the dates of October 15th, 1866, and January 28th 1867 respectively; I also give to said Peabody Institute the further sum of five thousand dollars to be invested as a permanent fund the income thereof so far as may be necessary to be used forever in providing fuel, lights, carpets and furniture for the room or rooms in which the said Reference Library procured by means of the said Eben Dale Sutton Fund shall be kept or placed, and if the entire income of said sum of five thousand dollars shall not be expended for the purposes aforesaid, the unexpended portion of said income shall, once in every five years, be added to the income of the said Eben Dale Sutton Fund and expended for books for said Reference Library in the same manner and under the same conditions as the income from said Eben Dale Sutton Fund is directed to be expended. I also give and bequeath to said Peabody Institute, the further sum of five thousand dollars to be invested as a building fund, and the income thereof shall be added to the principal so as to create a constantly accumulating fund, portions of which fund in the discretion of the Trustees of said Peabody Institute may be used from time to time for enlarging the room or rooms or for building rooms in which said Reference Library shall be kept, but no part of said building fund or the income thereof shall ever be used for any other purpose than for preparing or building rooms for the accommodations of said Reference Library.

WILL OF EBEN T. OSBORN

Boston, May 30, 1877

It is my wish, will and desire that Edward W. Jacobs of Peabody, Mass. shall be my legal executor and administrator, and D. Webster King of Boston to serve in the same capacity.

It is also my will, wish and desire that one half of my property be given to my wife so long as she remains my widow. After her death, it shall go to my legal heirs.

The other half to be given to the Sutton Library of Peabody, Mass., after the death of my wife. And during her life the said second half shall be held intrust for her benefit by the said Edward W. Jacobs and D. Webster King..

(signed) Eben T. Osborn

This will was signed in the presence of the following witnesses, who also signed in the presence of the testator and each other.

E. W. Aiken  
Eliza Sutton

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DOROTHEA OSBORN FUND

All the rest, residue and remainder of my estate, both real and personal, of which I shall die seized and possessed, and to which I may be entitled in any way at the time of my decease, I give, devise and bequeath as follows in equal share:

To the Trustees of the Peabody Institute, Peabody, Massachusetts, in memory of my husband, Lyman P. Osborn, the income of said fund to be expended for the purchase of books for the children's room in the library.

To the Peabody Visiting Nurses Association, Peabody, Massachusetts

To the Society for the Prevention of Cruelty to Animals of Boston, Massachusetts

To the Salem Hospital, Salem, Massachusetts

LAST WILL AND TESTAMENT  
of  
J. F. WINCHESTER

I, J. F. WINCHESTER, a resident of Maricopa County Arizona, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all prior wills and Codicils by me heretofore made.

FIRST: I declare that I am not married; that my spouse KATHRYN H. WINCHESTER is deceased and that I do not have any children.

SECOND: I direct that all of my just debts, funeral expenses, including cremation, and expenses in connection with the administration of my estate, be paid as soon as practical after my death.

I further direct that my ashes be buried in the lot prepared for me and my deceased spouse, KATHRYN H. WINCHESTER, in Cedar Grove Cemetery, Peabody, Massachusetts.

THIRD: I direct that all inheritance, death and estate taxes becoming due with respect to my taxable estate by reason of my death be paid by my Personal Representative out of my residuary estate passing under this Will to the extent thereof as an expense and cost of administration of my estate.

FOURTH: As specific bequests, I do hereby give, devise and bequeath to the persons named below the following:

- 1) To my nephew, FREED OSBORN, the sum of five Thousand (\$5,000) Dollars.
- 2) To my niece, MRS. NED MOORE, the sum of Five Thousand (\$5,000) Dollars.
- 3) To my niece, JEANNE HERBERT RUSSELL, the sum of Three Thousand (\$3,000) Dollars.
- 4) To my nephew, CLIFTON WADE, the sum of Ten Thousand (\$10,000) dollars.
- 5) To my friend, DONALD PAYNE of Cockeysville, Maryland, Two Thousand (2,000) shares of ATLAS CONSOLIDATED MINING and DEVELOPMENT CORPORATION common stock.
- 6) To my sister, ELIZABETH LANCASTER, the sum of Ten Thousand (\$10,000) Dollars.
- 7) To my nephew, C. T. WINCHESTER, if living at the time of my death, and if not, to his son, TED WINCHESTER, the sum of Ten Thousand (\$10,000) dollars.
- 8) To my deceased wife's niece, MARION ELIZABETH JOHNSON (Mrs. Harry Johnson) the sum of Two Thousand (\$2,000) Dollars.
- 9) To GINNIA ANDREW (Mrs. Fred Andrew) the sum of One Thousand (\$1,000) Dollars
- 10) To my cousin, RUTH YOUNG, the sum of One Thousand (\$1,000) Dollars.
- 11) To my cousin HAZEL JEWETT, the sum of One Thousand (\$1,000) Dollars.
- 12) To my cousin, ESTHER BILLINGS, of Peabody, Massachusetts, the sum of Three Thousand (\$3,000) Dollars.
- 13) To the AUTOMOTIVE ORGANIZATIONAL TEAM (AOT. IND.), of Midland, Michigan, all books owned by me having to do with the petroleum and automotive industries.

14) The sum of Twenty-five Thousand (\$25,000) Dollars to the Trustees or Directors of the George Peabody Library, Peabody, Massachusetts, for the sole purpose of establishing a fund to be known as the J. F. WINCHESTER LIBRARY FUND, the income from which shall be used for the purchase of books suitable for persons of the ages of from five (5) to twenty (20) years.

15) The sum of Fifteen Thousand (\$15,000) Dollars to the Trustees or Directors of the South Branch of the George Peabody Library, Peabody, Massachusetts, for the sole purpose of establishing a fund to be known as the J. F. WINCHESTER LIBRARY FUND, the income from which shall be used for the purchase of books suitable for persons of the ages of from five (5) to twenty (20) years.

16) The sum of Thirty Thousand (\$30,000) Dollars to the Trustees or Directors of the organization known as the AUTOMOTIVE ORGANIZATIONAL TEAM (AOT, INC.) of Midland, Michigan, for the sole purpose of establishing a fund to be known as the J.F. WINCHESTER - A. F. MAZURY MEMORIAL FUND. The Trustees or Directors of said fund shall establish a book section in the AOT, INC. Automotive Hall of Fame at Midland, Michigan, to be known as the J. F. WINCHESTER - A. F. MAZURY BOOK SHELF. Ten Thousand (\$10,000) Dollars of said fund to be used to purchase books as said Trustees or Directors may think in the best interest of the Automotive Organizational Team (AOT, INC.) of Midland, Michigan. The Trustees or Directors of said Automotive Organizational Team (AOT, INC.) of Midland, Michigan, shall use the income from the remaining Twenty Thousand (\$20,000) dollars for the maintenance of the Library Book Shelf herein created.

The Trustees or Directors of the Board of the George Peabody Library, including the South Branch, both of Peabody, Massachusetts, and the Automotive Organizational Team (AOT, INC.) of Midland, Michigan, shall have and are hereby granted all powers necessary to carry out the directions set out above.

In the event that any of the special bequests hereinabove made shall fail or lapse, I direct that the amount thereof shall be added to and become a part of my residuary estate.

FIFTH: After the compliance with the provisions for specific bequests set out, the balance, residue and remainder of my estate shall be distributed in equal shares, share and share alike, as follows:

A) One-third (1/3) to my brother, C. C. WINCHESTER, if living at the time of my death and if not, to his heirs by right of representation.

B) One-third (1/3) to my sister, ELIZABETH LANCASTER, if living at the time of my death and if not, to her heirs by right of representation.

C) One-third (1/3) to my nephew, C.T. WINCHESTER, if living at the time of my death and if not, to his heirs by right of representation.

SIXTH: My Personal Representative hereinafter named, may divide and distribute the above devisees in cash or in kind, or partly in cash and partly in kind, as he shall deem in the best interest of all the beneficiaries.

SEVENTH: I hereby nominate FRED ANDREW of Bakersfield, California as the Personal Representative of my estate. He to serve without the requirement of bond in any jurisdiction.

IN WITNESS WHEREOF, I have hereunto set my hand to this my Last Will and Testament at Phoenix, Arizona, this 18th day of January, 1980.

J. F. WINCHESTER  
Testator

The foregoing instrument consisting of five (5) typewritten pages, including this page, was on the date hereof signed, published and declared by J. F. WINCHESTER, to be his Last Will and Testament, in the presence of each of us, the undersigned, who, thereupon, at his request and in his presence and in the presence of each other, have hereunto subscribed our names as attesting witnesses thereto, the day and year last above written.

STATE OF ARIZONA    )  
                          ) ss.  
County of Maricopa)

WE, J. F. WINCHESTER, the Testator, and Willian E. Miller and Marie Mcrelli, the witnesses, respectively, whose names are signed to the foregoing instrument, each being first duly sworn, upon oath depose, say and declare that the Testator signed and executed the instrument as his Last Will and Testament in the presence of the witnesses and acknowledged that he executed it as his free will and voluntary act for the purposes therein expressed, and that each of the witnesses, in the presence of the Testator and in the presence of each other, signed the instrument as a witness, and that at the time of the execution of said instrument the Testator was over the age of eighteen (18) years and to the best of each of the witnesses knowledge, was of sound mind and memory and there was no evidence of constraint or undue influence.

J. F. WINCHESTER, Testator

William E. Miller, Witness

Marie Morelli, Witness

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by  
J. F. WINCHESTER, the Testator, and Willian E. Miller and Marie Morelli,  
witnesses, this 18th day of January, 1980

\_\_\_\_\_  
Notary Public

My Commission expires:  
Dec. 5, 1981

J.F. WINCHESTER (page 4)

TRUSTEES



# PAST AND PRESENT TRUSTEES

Eben King .....1852-1853  
 Joseph S. Black.....1852-1853  
 William L. Weston ... 1852-1854  
 Aaron F. Clark ..... 1852-1854  
 Francis Baker ..... 1852-1855  
 Joseph Poor ..... 1852-1855  
 Elijah W. Upton .... 1852-1856  
 Miles Osborn ..... 1852-1856  
 Joseph Osgood ..... 1852-1857  
 Eben Sutton ..... 1852-1857  
 Robert S. Daniels .. 1852-1858  
 Samuel P. Fowler ... 1852-1858  
 Henry Poor ..... 1853-1859  
 Joel Putnam ..... 1853-1859  
 Philemon Putnam .... 1854-1860  
 John B. Peabody ..... 1854-1860  
 Francis Dane ..... 1855-1861  
 Israel W. Andrews ... 1855-1861  
 Franklin Osborn ... 1856-1862  
 Isaac Hardy, Jr. .... 1856-1862  
 Eben S. Upton ..... 1857-1863  
 Henry A. King ..... 1857-1863  
 Alfred A. Abbott .... 1858-1864  
 Eben S. Poor ..... 1858-1864  
 Sidney C. Bancroft .. 1859-1865  
 Joel Putnam ..... 1859-1865  
 Joshua Silvester ... 1860-1866  
 Henry A. Hardy ..... 1860-1866  
 George Osborne ..... 1861-1867  
 Israel W. Andrews ... 1861-1867  
 Stephen Blaney ..... 1862-1868  
 William H. Little ... 1862-1868  
 Johathan King ..... 1863-1869  
 Benj. S. Wheeler .... 1863-1869  
 Alfred A. Abbott .... 1864-1870  
 Robert S. Daniels ... 1864-1870  
 Joel Putnam ..... 1865-1871  
 William Sutton ..... 1865-1871  
 Joshua Silvester .... 1866-1872  
 George F. Osborn ... 1866-1872  
 John A. Lord ..... 1866-1870  
 George Osborne ..... 1867-1873  
 Warren M. Jacobs .... 1867-1873  
 Thomas E. Proctor .... 1867-1872  
 Charles B. Farley .... 1867-1871  
 Stephen Blaney ..... 1868-1874  
 Henry Pollock ..... 1868-1874  
 George A. Osborne ... 1869-1875  
 Edward W. Jacobs .... 1869-1873  
 Benjamin C. Perkins .. 1869-1875  
 Alfred A. Abbott ..... 1870-1876  
 Caleb W. Osborn ..... 1870-1876  
 Lewis Allen ..... 1871-1877-  
 John Pinder ..... 1871-1887  
 James B. Foster .... 1871-1874  
 Caleb F. Winchester . 1872-1878

Joseph Osborn ..... 1872-1878  
 George Osborn ..... 1873-1879  
 Edward W. Jacobs ..... 1873-1879  
 Albert A. Messer ..... 1874-1880  
 Henry Wardwell ..... 1874-1880  
 George A. Osborne ..... 1875-1881  
 Charles D. Howard ..... 1875-1881  
 Alfred A. Abbott ..... 1876-1882  
 Warren Shaw ..... 1876-1882  
 William F. Wiley ..... 1877-1883  
 E. Pope Barrett ..... 1877-1883  
 Alexander B. Merrill ... 1878-1884  
 George Upton ..... 1878-1884  
 J.E.T. Bartlett ..... 1879-1885  
 Charles E. Hoag ..... 1879-1885  
 Kendall Osborn ..... 1880-1886  
 Franklin Osborn, Jr. ... 1880-1886  
 George A. Osborn ..... 1881-1887  
 Frank E. Farnham ..... 1881-1887  
 George J. Winchester ... 1882-1887  
 Alfred A. Abbott ..... 1882-1888  
 Francis H. Appleton .... 1882-1888  
 Nathan A. Bushby ..... 1883-1884  
 Thomas Carroll ..... 1883-1889  
 Charles C. Pike ..... 1883-1889  
 George M. Foster ..... 1884-1890  
 Stephen S. Littlefield . 1884-1890  
 George H. Poor ..... 1885-1891  
 G. Fred Csgood ..... 1885-1891  
 Merritt Cook ..... 1885-1888  
 Daniel P. Grosvenor ... 1886-1892  
 George F. Barnes ..... 1886-1892  
 Patrick H. O'Connor .... 1887-1893  
 Orville B. Chadwick .... 1887-1893  
 Harry F. Walker ..... 1888-1894  
 Joseph F. Wiggin ..... 1888-1894  
 Francis H. Appleton .... 1889-1895  
 Frank C. Merrill ..... 1889-1895  
 Richard F. Barry ..... 1890-1896  
 John W. Hudson ..... 1890-1896  
 J. Howard Fallon ..... 1890-1895  
 Rufus H. Brown ..... 1891-1897  
 John J. Shanahan ..... 1891-1897  
 G.C. Farrington ..... 1892-1898  
 A.B. Clark ..... 1892-1898  
 Levi Preston ..... 1893-1899  
 A.F. Poole ..... 1893-1899  
 B.F. Southwick ..... 1894-1900  
 W.P. Clark ..... 1894-1900  
 L.P. Osborn ..... 1895-1899  
 J.B. Thomas ..... 1895-1898  
 W. Fred Munroe ..... 1896-1902  
 G.S. Curtis ..... 1896-1902  
 Horace Bushby ..... 1897-1903  
 F.W. Stanley ..... 1897-1903  
 C.L. Osborn ..... 1898-1904

Trustees, continued

W.F. Sawyer .....	1898-1904	Wm. T.Higgins .....	1927-1933
G.E. Spaulding .....	1899-1901	Thomas F.Dolan .....	1928-1934
Warren D.King .....	1899-1901	Norman Hughes .....	1929-1941
P.J. Martin .....	1899-1905	Flavel D.Ray .....	1930-1936
A.F. Poor .....	1899-1905	Wm. A.Duffy .....	1931-1938
Frank Taylor .....	1900-1902	Michael Mahoney .....	1932-1938
Joseph Jacobs .....	1900-1906	John J.Fitzpatrick .....	1933-1953
P.H. Coleman .....	1901-1907	John Ellis, Jr. ...	1935-1941, 1955-1961
Arthur Elliot .....	1901-1907	Edward M.Brawley .....	1936-1956
P. Murphy .....	1902-1908	Edward G.Penniman .....	1936-1952
J.Edward Osborn .....	1902-1908	Arthur J.Flanagan .....	1936-1942
W. Armstrong .....	1903-1909	Walter L.Williams .....	1939-1946
D.F.Bresnahan .....	1903-1909	John F.Lynch .....	1939-1945
Frank Stanley .....	1903-1906	Robert F.Johnson .....	1939-1974
Edward P.Barrett ....	1904-1910	Lionel A.Keith .....	1939-1951
George A.Whitney ....	1904-1910	Milton E.Cranney .....	1941-1947
Elmer B.Thomas .....	1905-1911	Thomas J.Hayes .....	1941-1971
James C.Linehan .....	1905-1911	Patrick J.Sheehy .....	1944-1963
Joseph J.Thorndike ..	1906-1912	Philip F.Conway .....	1944-1950
Harry F.Whidden .....	1906-1912	Arthur T.Millea .....	1943-1949
Fred W.Bushby .....	1907-1913	Thomas P.Towey .....	1946-1951
Leander E.Joy .....	1907-1913	William F.Hosman .....	1946-1951
John J.Callagher ....	1908-1938	Ralph L.Blake .....	1948-1951
Frank H.Sanger .....	1908-1914	Edward J.O'Connor .....	1950-1972
Philip O.Bushby .....	1909-1915	Charles M.Boyle .....	1952-1963
John F. Carbreys .....	1909-1915	George H.Hunter .....	1952-1975
William H.Hill .....	1910-1916	Thomas Burrows .....	1952-1965
Wm. F.Duffy..1910-1916, 1917-1923		David J.Horrigan .....	1952-1956
Timothy C.Carlin ....	1911-1917	Thomas Sheehan .....	1952-1955
Arthur W.Sim .....	1908-1917	Charles J.Carlin .....	1952-1972
Moses E.Johnson .....	1912-1915	Hubert F.McVann .....	1958-1967
Edward J.McDonald ...	1912-1918	Mathew F.Judge .....	1960-1965
Donald M.Ingraham ...	1912-1918	Henry J.Waters .....	1962-1967
Herbert Walker .....	1913-1919	Francis L.Conway .....	1964-1969
George S.Smith .....	1913-1919	Jon J.Purcell .....	1965-1967
Michael T.Ray .....	1914-1920	Mary T.Leary .....	1965-1971
Horace K.Foster .....	1915-1921	Joseph H.Hughes .....	1965
Lawrence K.Kelley ...	1916-1922	Leo J.Espindle .....	1968-1973
Daniel J.Conroy .....	1915-1921	Patrick G.Collins ...	1968-1979, 1982-
Edward McCarthy .....	1916-1922	Arnold J.Levin .....	1968-1979
Wilbur Merrill .....	1917-1919	Francis T.Lyons .....	1970-
John F.Jordan .....	1917-1918	Albert J.Cohen .....	1970
Charles S.Batchelder	1917-1923	John L.Birmingham, Jr. ...	1972-1977
Lyman P.Osborn .....	1918-1924	Barry A.Feinstein .....	1972-1977
Harry E.Trask .....	1919-1924	James P.Boyle .....	1974-
John E.FitzGerald ..	1918, 1924, 1930, 1936	John G.Cahill .....	1974-1981
Lucien G.Lewis .....	1919-1925	Walter J.Parsons .....	1974-1986
Andrew P.Bugler .....	1920-1926	John E.Walsh Jr. ....	1976-1981
Harold G.Dunney .....	1920-1926	Elizabeth A.Hosman .....	1976-1981
James F.Coffey .....	1915-1940	Richard M.St.Pierre .....	1978-
Daniel L.Tumelty ....	1921-1927	Elayne Marks .....	1978-1984
Joseph T.Sweeney ....	1922-1928	Michael Bonfanti .....	1980-1985
Joseph M.Gilmore ....	1922-1969	Richard Medina .....	1980-1985
John F.Church .....	1923-1935	Sharon Fermon .....	1982-
Nathan F.Masterson ..	1923-1936	James N.Decoulos .....	1984-
J.Henry Ellis .....	1924-1930	John A.Flanagan .....	1984-
Augustus McDonald ...	1927-1939	Carole W.Darbosky .....	1986-

Trustees, continued

Debra Lyons ..... 1986-  
Judith A. Simches ..... 1986

## Sec. 4. Trustees of Peabody Institute

At the biennial municipal election to be held in the year nineteen hundred and thirty-six. Two trustees of the Peabody Institute, and at every biennial municipal election thereafter, four such trustees, shall be elected to serve for six years each from the first Monday in January following their election and until their successors are qualified. The trustees elected in the year nineteen hundred and thirty-one shall continue to hold office until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and thirty-eight; the trustees elected in the year nineteen hundred and thirty-three shall continue to hold office until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and forty; and the trustees elected in the year nineteen hundred and thirty-five shall continue to hold office until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and forty-two.

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CHAP. 197. AN ACT REGUALTING THE PUBLIC LIBRARY SYSTEM OF THE CITY OF PEABODY  
AND AUTHORIZING SAID CITY TO BORROW MONEY FOR LIBRARY PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The trustees of the Peabody Institute provided for by section forty-three of chapter three hundred of the acts of nineteen hundred and sixteen and elected pursuant to chapter three hundred and thirty-eight of the acts of nineteen hundred and thirty-six as modified by chapter ninety-seven of the acts of nineteen hundred and forty-one and chapter one hundred and ninety of the acts of nineteen hundred and forty-seven, shall be an agency of the city of Peabody having the custody and management of the public library system of the city and all property owned by the city relating thereto. All money raised or appropriated by the city for said library system's support, maintenance and improvement shall be expended by the Trustees, and all money or property which the city may receive by gift or bequest for the public library system shall be administered by the Trustees in accordance with the provisions of such gift or bequest. Said trustees may choose one of their number as president and may choose a secretary and treasurer. Nothing herein shall be deemed to preclude voluntary dissolution of the corporation established by chapter one hundred and fifty-three of the acts of eighteen hundred and eighty-one pursuant to section eleven A of chapter one hundred and eighty of the General Laws or to prevent the aforesaid Trustees, in the event of such dissolution, from exercising their powers hereunder or from continuing to administer money or property held by said corporation as a court having jurisdiction in the premises may authorize or direct. In the event of such dissolution, all persons employed by the corporation shall be transferred and made employees of the city in the respective capacities in which they were employed by the corporation, and such transferred employees shall be exempt from any examination or other requirements applicable to the selection and appointment of employees in such capacities under chapters thirty-one and seventy-eight of the General Laws.

SECTION 2. For the purpose of remodeling, reconstructing or making extraordinary repairs to the present Peabody Institute Library building, including equipment and furnishings, in connection therewith, or for constructing, originally equipping and furnishing an addition to said building, or for any combination of the foregoing, the city of Peabody may appropriate, transfer from available funds, or by two thirds vote, as defined in section one of chapter forty-four of the General Laws, may borrow from time to time., or use any combination of such methods, to provide such sums as may be necessary for the purposes aforesaid and may issue bonds and notes of the city therefor in an amount not exceeding, in the aggregate, one million six hundred thousand dollars which shall bear on their face the words, Peabody Institute Library Loan, Act of 1976. Each authorized issue shall constitute a separate loan and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be outside the statutory limit and shall, except as herein provided, be subject to the provisions of chapter forty-four of the General Laws, excluding any limitation or requirement contained in section seven or eight thereof. The Trustees of the Peabody Institute are authorized to apply for, accept and expend any federal aid available for the aforesaid purposes.

SECTION 3. This act shall take effect upon its passage.

APPROVED JUNE 22, 1976

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY  
530 SOUTH EAST ASIAN AVENUE  
CHICAGO, ILLINOIS 60607  
TEL: 773-936-5000  
FAX: 773-936-5000  
WWW: WWW.CHEM.UCHICAGO.EDU

## PROCEDURE FOR REGULAR MONTHLY MEETING

- 1) The agenda for the meeting will close at 5 p.m. on Friday, 10 days before the meeting.
- 2) All written committee reports and agenda items should be on the desk of the Library Secretary by then.
- 3) Monday morning, a week before the meeting, the Secretary will prepare and mail the following package to include:
  - Notice of the meeting
  - Unapproved minutes from previous meeting
  - Reports of committees and other documents
  - Agenda.

adopted May 5, 1986